



AGENDA

Workshop March 2, 2015 at 6:00p.m.

Long Beach City Council Meeting

Regular City Council March 2, 2015 at 7:00 p.m.

Long Beach City Hall - Council Chambers

115 Bolstad Avenue West

6:00 PM CALL TO ORDER

- + WS 15-04 – False Alarm Ordinance Discussion – **TAB – A**
- + WS 15-06 – Holiday Decorations 2015 – **TAB - B**

7:00 PM CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Andrew, Council Member Linhart, Council Member Hanson,
And roll call	Council Member Perez, Council Member Murry, and Council Member Phillips

CONSENT AGENDA – TAB - C

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, February 17, 2015 Regular City Council meeting.
- Payment Approval List for Warrant Registers 55098 - 55135 & 77563 – 77614 for \$147,378.48

BUSINESS

- **AB 15-17 – Gazebo Roof Repair Quotes - TAB-D**
- **AB 15-18 – Surplus Vehicle – TAB – E**
- **AB 15-19 – Special Saturday Sale September 5, 2015, Farmers Market – TAB - F**

ORAL REPORTS

- | | | | | |
|---|---------------------|--------------|---------------------------|-------------------------|
| • | City Council | Mayor | City Administrator | Department Heads |
|---|---------------------|--------------|---------------------------|-------------------------|

CORRESPONDENCE AND WRITTEN REPORTS – TAB - G

- **Correspondence – Loyalty Days invitation from Mayor Andrew**
- **Correspondence – Lodging and Sales Tax for the Month**
- **Correspondence – Tent colors**
- **Correspondence – Trail funding update**
- **Correspondence – VB Monthly report**
- **Correspondence – Follow up from Gayle on Code Updates**
- **Business License – Imperial Schooner; 101 Pacific Ave Spc #3**
- **Business License – Shamrock Foods Co; Gresham, OR**
- **Business License – Bliss Construction; Seaview, WA**
- **Business License – S&S Thai Family LLC (restaurant); 509 Pacific Ave S**
- **Business License – Clarke Construction, LLC; Ilwaco, WA**

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
March 16, 2015 – 7:00 pm – City Council Meeting
April 6, 2015 – 7:00 pm - City Council Meeting

PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether or not it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to five minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Clerk at the meeting.

TAB

A

TAB

A



**CITY COUNCIL
WORKSHOP BILL
WS 15-05**

Meeting Date: March 2, 2015

AGENDA ITEM INFORMATION

SUBJECT: False Alarm Ordinance Discussion	Originator:	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Fire Chief	DG
	Police Chief	FW
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: Unknown		

SUMMARY STATEMENT: First cut/comments on possible code. Malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of county citizens. False alerts of intrusions or robberies increase the county's public safety costs, divert public safety resources from other critical areas of work. Codes are typically divided into two types, those that create a system of registration and fines, or those that just fine for multiple false alarms. The purpose of this workshop is to find out which direction the council would like to follow. Samples are included.

The Albemarle County Board of Supervisors have enacted changes to the False Alarm Ordinance. Some of the major changes include registration and fees. Registration is free, but will require two contact numbers. Scheduled progressive increases to service fees for response to false alarms will start at \$100.00 after the second false alarm in a 12 month period. A procedural change not listed in the ordinance is enhanced call verification. Enhanced call verification will include the alarm company attempting to contact the owner or their designee on their primary or secondary phone numbers prior to police dispatch.

The monitoring and administration of fees associated with the Albemarle County False Alarm Reduction program are managed by CryWolf (Public Safety Corp) located in Baltimore, Maryland. You may use the direct link listed below to register your alarm or for additional information, please call (855)372-4755.

Effective May 10, 2012, the Albemarle County False Alarm Reduction program will begin charging a service fee for unregistered alarm systems in accordance with County Alarm Ordinance 11-12. A direct link to the County Alarm Ordinance 11-12 is provided below.

[County Alarm Ordinance 11-12\(2\)](#)

ALBEMARLE COUNTY CODE

12-402	Registration required.
12-403	Permits--standards for issuance or denial.
12-404	Permits--Fees.
12-405	Prohibited acts.
12-406	Penalty.

ARTICLE V. TAXICABS AND OTHER VEHICLES FOR HIRE

12-500	Definitions.
12-501	Registration of vehicles for hire.
12-502	Registration of drivers.
12-503	Exemptions.
12-504	Indemnity bond or liability insurance required.
12-505	Cleanliness of vehicles.
12-506	Enforcement and penalties.

ARTICLE I. FALSE ALARMS

Sec. 12-100 Purpose.

The board hereby finds that malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of county citizens. False alerts of intrusions or robberies increase the county's public safety costs, divert public safety resources from other critical areas of work, and burden the Charlottesville-U.Va.-Albemarle Emergency Communications Center. In order to preserve the integrity and efficiency of the county's police and fire and rescue emergency services, those who utilize automatic alarm systems must be required to maintain those systems in good working order and to promptly repair any defects which may cause those systems to trigger false alarms.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-101 Definitions.

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Alarm system means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which a police or fire and rescue response is expected.

Alarm system user means: (1) any person or entity owning or leasing an alarm system; or (2) any person or entity owning or leasing the premises on which such alarm system is maintained. An "alarm system user" shall not include the United States, the Commonwealth of Virginia, or their respective agencies or political subdivisions.

Automatic dialing device means any device, system or equipment that automatically transmits over telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation to which a police, fire, or emergency medical services response is expected.

Emergency communications center means the regional 911 center known as the Charlottesville-U.Va.-Albemarle Emergency Communications Center.

False alarm means an alarm that causes a police or fire and rescue response when there is no actual or threatened criminal activity, fire, or other emergency requiring an immediate police or fire and rescue response. False alarms shall include, but not be limited to: negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposefully activated to summon a police or fire and rescue response in nonemergency situations; and alarms for which the

ALBEMARLE COUNTY CODE

actual cause is not determined. False alarms shall not include any alarms caused by failure of the equipment at the emergency communications center, any alarms determined by the responding police or fire and rescue officer to have been triggered by criminal activity, or any alarms caused by a weather-related event. "Weather-related event" shall mean an event caused by weather conditions that results in either a) a disruption of electrical service to the building for four (4) consecutive hours or longer; or b) damage to the building that would activate the alarm.

(Ord. of 4-17-91; Code 1988, § 2.2-1; Ord. 98-A(1), 8-5-98; § 12-100; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

State law reference--Va. Code §15.2-911

Sec. 12-102 Registration of alarm systems designed to seek a police response.

A. *General Requirements.* Prior to installing, using or maintaining on any premises within the county an alarm system which is designed to seek a police response, an alarm system user shall register such alarm system by providing the following information, using forms provided by the county, to the chief of police or his designee:

1. The street address of the premises at which the alarm system is to be installed or used (the "premises"); the name, mailing address and telephone number of the owner and lessee, if any, of such premises; and the name and mailing address of an individual (alarm user or designee of the alarm user) to whom notices regarding the alarm system may be sent; and

2. The names, street addresses and telephone numbers of at least two (2) individuals who will have day-to-day responsibility for the premises and alarm system, who will be immediately available to be contacted in the event an alarm is activated, and who are authorized and able to deactivate the alarm system; and

3. A description of the specific type of alarm system, manufacturer's name, and the name and telephone number of the alarm company monitoring, responding to or maintaining the alarm system; and

4. If registering an alarm system that has been disconnected or disabled following a notice to disconnect or disabled issued pursuant to §12-103, documentation that the alarm system has been repaired or passed inspection by an individual or entity qualified to repair or inspect alarm systems.

B. *Changes in Alarm System Registration Information.* Whenever any registration information provided by an alarm system user pursuant to subsection A changes, the alarm system user shall provide correct, updated information to the chief of police or his designee within ten (10) business days of the change. When an individual or entity takes possession of premises equipped with an activated alarm system, the individual or entity must provide updated registration information within ten (10) business days of taking possession as required by subsection A.

C. *Failure to Register Alarm System.* Upon the first police response to an unregistered alarm system in response to a signal issued by the alarm system, the chief of police or his designee shall issue a written notice to the alarm system user that the alarm system must be registered. This notice shall be mailed to the physical address of the dwelling where the alarm system is located and to the address of the owner listed in the real estate tax assessment records of the County. If the physical address of the alarm system user is the same as the address of the owner listed in the real estate tax assessment records of the County, then only one notice shall be mailed. The alarm system user shall be assessed a service fee in the amount of \$150.00. The fee for the first offense may be waived if the alarm system user files an appeal pursuant to section 12-108, and presents satisfactory evidence that the alarm system has been registered. Upon the second or subsequent police response caused by an unregistered alarm system, the alarm system user shall be assessed a service fee in the amount of \$150.

D. Registration of an alarm system shall not create a contract, duty or obligation, either express or implied, for police to respond. Any and all liability and consequential damage resulting from the failure to respond to a notification from an alarm system is hereby disclaimed. By registering an alarm system, the alarm system user acknowledges that police responses may be based on factors such as the availability of responding units, staffing levels, priority of pending requests for services, weather conditions, traffic conditions and other emergency conditions.

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(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems.

A. *Maintenance of alarm systems.* Alarm system users shall maintain their alarm systems in good working order. Because alarm systems that generate multiple false alarms within a short period of time may be malfunctioning, the chief of police or his designee and the fire and rescue chief or his designee shall have the discretion to suspend responses to an alarm system after the second false alarm generated within a twenty-four (24) hour period; such suspension shall last for the remainder of the twenty-four hour period.

B. *Disconnection of alarm systems.* An alarm system user shall disconnect or disable any alarm system upon a written determination and notice by the chief of police or his designee or by the fire and rescue chief or his designee that the installation, use, operation and/or maintenance of the alarm system would constitute an unreasonable burden on police or fire and rescue resources. Any alarm system which generates eight (8) or more false alarms within any four (4) day period shall be deemed an unreasonable burden on police or fire and rescue resources. An alarm system user required to disconnect or disable an alarm system shall be entitled to register a new or repaired alarm system at any time in accordance with §12-102.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-104 False alarms prohibited; service fees.

A. *Prohibition.* No alarm system user or other person shall send or activate a false alarm that causes a police or fire-and rescue response where there is no actual or threatened crime, fire, or other emergency requiring an immediate police or fire and rescue response. Violations of this section shall result in the assessment of service fees as provided below.

B. *Service fee amounts.* Alarm system users shall pay a service fee for false alarms within ninety (90) days of billing. The service fee shall be assessed for each false alarm during any twelve (12) month period as follows:

1. First false alarm: No charge.
2. Second false alarm: No charge.
3. Third false alarm: \$100.
4. Fourth false alarm: \$150
5. Fifth false alarm: \$200
6. Sixth and subsequent false alarms: \$300

C. *Service fee assessments.* The county shall cause alarm system users to be billed for false alarms in accordance with the above schedule of service fees. All fees shall be paid within ninety (90) days of billing. Failure to pay a service fee within ninety (90) days of billing shall result in the initiation of civil action, as necessary, for the recovery of the unpaid fee.

(Ord. of 4-17-91; Code 1988, § 2.2-4; Ord. 98-A(1), 8-5-98, § 12-101; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

State law reference--Va. Code § 15.2-911.

Sec. 12-105 Deliberate false alarms a criminal offense.

It shall be a class 1 misdemeanor for any person to knowingly and without just cause to activate an alarm system to summon a police or fire and rescue response where there is no actual or threatened criminal activity, fire, or other emergency that required an immediate police or fire and rescue response.

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(Ord. of 4-17-91; Code 1988, § 2.2-2; Ord. 98-A(1), 8-5-98, § 12-102; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

State law reference--Va. Code § 27-97; false alarms, § 18.2-212, 18.2-461

Sec. 12-106 Automatic dialing devices prohibited; penalty.

No person or entity shall install, use, or maintain on any premises within the county any automatic dialing device which delivers, or causes to be delivered, any prerecorded voice message or coded signal to the emergency communications center or any department of the county. Violations of this section shall constitute a class 4 misdemeanor.

(Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-107 Administration.

The chief of police, the fire and rescue chief, in coordination with the director of finance, shall have joint responsibility for administering this article under the supervision of the county executive.

(Ord. of 4-17-91; Code 1988, § 2.2-5; Ord. 98-A(1), 8-5-98, § 12-104; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11)

Sec. 12-108 Appeals.

A. *Appeals for Alarms Requiring a Police Response.* Any fee imposed by the police department pursuant to this article or notice to disconnect or disable an alarm system may be appealed in writing to the chief of police within thirty (30) days of the date of notice of such fee or decision. Upon receipt of such appeal, the chief of police or his designee may grant relief from the fee or notice or affirm the fee or notice. Should the fee or notice be affirmed, the alarm system user may appeal the decision of the chief of police or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or notice, or affirm the fee or notice. The decision of the county executive or his designee is final.

B. *Appeals for Alarms Requiring a Fire and Rescue Response.* Any fee imposed by the county department of fire and rescue pursuant to this article may be appealed in writing to the fire and rescue chief, using forms provided by the department, within thirty (30) days of the date of notice of such fee. Upon receipt of such appeal, the chief or his designee may grant relief from the fee, or affirm the fee. Should the fee be affirmed, the alarm system user may appeal the decision of the chief or his designee to the county executive by filing a written appeal within thirty (30) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or affirm the fee. The decision of the county executive or his designee is final.

(Ord. of 4-17-91; Code 1988, § 2.2-6; Ord. 98-A(1), 8-5-98, § 12-105; Ord. 11-12(2), adopted 8-3-11, effective 11-1-11; Ord. 15-12(1), 1-7-15)

ARTICLE II. AMUSEMENTS

DIVISION 1. DANCE HALLS

State law reference--authority to adopt article, see Va. Code §§ 18.2-432, 18.2-433.

Sec. 12-200 Dance hall defined.

For the purposes of this division, the term "dance hall" means any place open to the general public where dancing is permitted.

1. Why is there a False Alarm Ordinance?

False alarms have become an enormous concern for law enforcement agencies everywhere. Millions of dollars and man-hours are spent chasing "burglars" which turn out to be nothing more than floating birthday balloons, unrestricted pets, or paper falling from a fax machine (just to name a few).

We understand that by using your alarm system, you're looking out for those you care about. The purpose of the Ordinance is not to make money. In fact, the cost-recovery measures only cover about half of the false alarm related costs to the City.

The hope is to alleviate the false alarm problem, thereby redirecting public safety resources to more effectively serve the community as a whole. Our goal is to make Albuquerque a safer place to live for all of our citizens, whether they own security systems are not.

2. Why do I need to permit my alarm system?

In order to effectively address the false alarm problem the City must maintain a full time False Alarm Reduction Unit (FARU). The FARU is responsible for maintaining a database of all alarm users and alarm companies, tracking all alarm dispatches, issuing False Alarm Notifications, collecting false alarm service fees, managing the appeal process, etc. The cost of maintaining the FARU is specific to alarm users and alarm companies and should not be a financial obligation of the City's taxpayers as a whole. The permit fee is used to off set the cost of the FARU.

Any alarm permit fees collected in excess of the operating costs of the FARU are used for the capital purchase of additional equipment for the Police Department.

3. What is the cost of an alarm permit?

Residential and non-residential (businesses) pay an annual fee of \$25. Alarm Companies pay an annual fee of \$150.

Current permitted alarm users will be notified automatically by the False Alarm Reduction Unit 30 days prior to their permit renewal date.

4. Are alarm permits transferable?

No, they are specific to an owner and location.

5. How do I permit my alarm?

It is the responsibility of your alarm company to provide your information to the False Alarm Reduction Unit (FARU). The FARU will send you a permit application and invoice once this information is provided.

If you have had your alarm system installed for over 45 days and you have not received a permit application and invoice please contact the FARU directly at

768-2144. It is your ultimate responsibility to ensure that your alarm system is properly permitted.

6. What is the penalty for not permitting my alarm system?

Any person or entity charged with conducting any activity addressed by the Alarm Ordinance without a permit shall be guilty of a petty misdemeanor and shall be subject to the provisions set forth in 1-1-99 ROA 1994 (up to a \$500 fine and 90 days in jail). Each and every day such a violation is committed shall constitute a separate offense.

7. Are all alarm systems required to be permitted?

All alarm systems that are either monitored or emit an audible sound that can be heard off premises are required to be permitted.

8. What is a false alarm?

The activation of any Alarm System resulting in the notification of the Police Department, for which the responding officer finds no evidence of criminal activity or other threat of emergency of the kind for which the Alarm System was designed to give notice.

9. Is there a charge for having a false alarm?

There is no charge for the first three false alarms in your permit year; however you will receive a notification from the False Alarm Reduction Unit that you have had a false alarm. It is very important that you take the necessary steps to rectify any problems you have with your alarm system after you receive a notification.

You will be charged a false alarm service fee of \$150 for each false alarm you have after your third in a permit year. In the event you have more than ten false alarms in your permit year you will be charged a \$500 excessive false alarm fee per false alarm.

10. Is there any way to have a false alarm removed from my record?

Yes, you can have up to six false alarms removed from your record in a permit year if your alarm company submits a valid service receipt identifying a mechanical failure of your alarm system. Documentation must be submitted to the False Alarm Reduction Unit within 10 days of the false alarm.

Submission of fraudulent documentation will result in either suspension or permanent revocation of your alarm companies permit and subject you to provisions set forth in 1-1-99 ROA 1994 (up to a \$500 fine and 90 days in jail).

11. How do I know a police officer responded to my alarm and I am not being charged just because my alarm company called?

The False Alarm Reduction Unit (FARU) downloads the information on all alarm dispatches daily from the dispatch center. The information includes the event number, the time of the dispatch, who requested the dispatch, the time the officer arrived at your location and the officer's identification number. If you have any question regarding the response to your alarm please contact the FARU directly at 768-2144.

12. The purpose of having an alarm system is to prevent a break-in, why am I being charged a false alarm fee if my system is doing what it is suppose to do and prevented a burglary?

The police officers of Albuquerque are highly trained professionals and follow a strict protocol upon arriving at the location that has had an alarm. They check the premise for any possible signs of an intrusion or an attempted intrusion (cut screen, broken glass, jimmied door, etc). If the responding officer determines that there are no signs of criminal activity the alarm call is classified as false.

13. How do I appeal a false alarm service fee?

A request for appeal of a false alarm service fee must be submitted in writing no later than 30 days after the receipt of your False Alarm Notification. Please note that mechanical failure of your alarm system or user error is not considered grounds for appeal. Send your appeal to; False Alarm Reduction Unit, 400 Roma NW Albuquerque NM, 87102.

14. Does the city of Albuquerque recommend what alarm company I should use?

No, however we do recommend that you use a company that is in current compliance and permitted with the City. You can call the False Alarm Reduction Unit at

768-2144 to verify the current status of your alarm company.

15. What do I need to know about alarm companies?

First, that they are in compliance and permitted with the City.

Most important, do they provide a verified response as required by law. All alarm monitoring companies are required by law to verify an alarm (call the responsible party for the alarm location) prior to calling in an alarm to police dispatch. If they are unable or refuse to provide this service, you may want to consider another company.

Model Burglar Alarm Ordinance

A Joint Document of
NBFAA / FARA



National Burglar & Fire Alarm Association
8300 Colesville Road #750
Silver Spring, MD 20910
(301) 585-1855
Fax: (301) 585-1866
www.alarm.org



False Alarm Reduction Association
10024 Vanderbilt Circle, Unit 4
Rockville, MD 20850
(301) 519-9237
Fax: (301) 519-9508
www.faraonline.org

NBFAA/FARA MODEL BURGLAR ALARM ORDINANCE

INTRODUCTION

The attached Model Burglar Alarm Ordinance (the “Ordinance”) has been prepared through a joint effort between the National Burglar & Fire Alarm Association (NBFAA) and the False Alarm Reduction Association (FARA). The NBFAA is an association that promotes electronic security and life safety services in the United States. The FARA is an organization comprised of law enforcement and fire officials from across the United States and Canada, who administer and implement False Alarm reduction programs.

Both the NBFAA and the FARA strongly believe that false alarm reduction should be a cooperative effort among all parties involved (i.e., the alarm industry, law enforcement officials, and the Alarm User). To that end, we strongly suggest that, **before** attempting to implement any ordinance designed to reduce the incidence of False Alarms, your municipality form an Alarm Advisory Board. The Alarm Advisory Board should be comprised of representatives from the alarm industry, law enforcement officials, community and business groups, and any other entity that has a stake in the reduction of False Alarms. We believe that the Alarm Advisory Board represents a fundamental step in the development and implementation of a good, effective False Alarm reduction ordinance. It fosters cooperative relations and provides every group with ownership of the final product.

The Ordinance is based on a registration system with appropriate controls to facilitate False Alarm reduction. It contains law enforcement control and administration, Alarm Installation Company and Monitoring Company responsibilities, and requires the disciplined use of Alarm Systems by Alarm Users.

Specific amounts of fines and fees are not listed in the text of this document in order to encourage a dialogue among law enforcement, municipal leaders, alarm users and alarm companies on the appropriate fine or fee to fit the circumstances of your jurisdiction. NBFAA, FARA and your state alarm association can assist you in establishing the appropriate fines and fees for your jurisdiction.

PLEASE NOTE: The Ordinance is intended to serve as a **BASE FRAMEWORK** for municipal officials, law enforcement officials and the alarm industry. It contains features that have been proven to reduce False Alarms. Any new standard that is properly certified by the American National Standard Institute or its equivalent, should be considered when creating or revising an ordinance. **It is important that the Ordinance be reviewed carefully before endorsing or recommending that it be adopted either in whole or in part.** There may be aspects of the Ordinance that will pose potential problems in your locale, and you may decide that those characteristics should not be included in your local burglar alarm ordinance. As the Ordinance is intended for use as a guide, it is a working draft, subject to changing times, designed to help you successfully develop and implement a good security alarm ordinance.

Throughout the Ordinance there are italicized notes to aid you in drafting an ordinance that best suits your jurisdiction. Anything italicized should not be adopted as part of your ordinance and should be deleted after being considered.

NBFAA/FARA MODEL BURGLAR ALARM ORDINANCE

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NBFAA/FARA MODEL BURGLAR ALARM ORDINANCE

SECTION 1. PURPOSE

(A) The purpose of this Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

(B) This Ordinance governs Alarm Systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

SECTION 2. DEFINITIONS

In this Ordinance the following terms and phrases shall have the following meanings:

(A) **Advisory Board** means Persons designated by a governing authority that should be representative of the community, Alarm Users, the alarm industry, and law enforcement. The Advisory Board should review and recommend False Alarm reduction efforts and report to the governing authority (municipal/township/borough/city council, county board, etc.).

(B) **Alarm Administrator** means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.

(C) **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

(D) **Alarm Dispatch Request** means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

(E) **Alarm Registration** (or Permits) means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

(F) **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

(G) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

(H) **Alarm User** means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

(I) **Alarm User Awareness Class** means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

(J) **Arming Station** means a device that allows control of an Alarm System.

(K) **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(L) **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

(M) **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

(N) **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

(O) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

(P) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(Q) **Law Enforcement Authority** means the Commissioner, Superintendent, Sheriff, Chief of Police, director or other authorized representative of a law enforcement agency.

(R) **License** means a license issued by the *[identify appropriate governmental agency]* to an Alarm Installation Company and Monitoring Company to sell, install, monitor, repair, or replace Alarm Systems.

Note: Delete all references to the term License in this Ordinance if there is no such license in your state or jurisdiction.

(S) **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

(T) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.

(U) **Monitoring Company** means a Person in the business of providing Monitoring services.

(V) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

(W) **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(X) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(Y) **Responder** means an individual capable of reaching the Alarm Site within [*] minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

** Amount of time to be determined by the local jurisdiction. Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

(Z) **SIA Control Panel Standard CP-01** means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

(AA) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

(BB) **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

(CC) **Zones** means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

SECTION 3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

(A) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

(B) The fee for an Alarm Registration or an Alarm Registration renewal is set forth below and shall be paid by the Alarm User. No refund of a registration or registration renewal fee will be made. The initial Alarm Registration fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System Takeover.

(1) Registration Fees – (See Appendix E – Fines and Fees)

(2) Renewal Fees – (See Appendix E – Fines and Fees)

(C) Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) failed to pay a fine assessed under Section 7; or
- (2) had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each Alarm Registration application must include the following information:

- (1) the name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) the classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (3) for each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
- (4) mailing address, if different from the address of the Alarm Site;
- (5) any dangerous or special conditions present at the Alarm Site;
- (6) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within [*] minutes at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary;

** Amount of time to be determined by the local jurisdiction. Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

(7) type of business conducted at a commercial Alarm Site;

(8) signed certification from the Alarm User stating the following:

- (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;

- (b) the name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;
 - (c) the name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;
 - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and
 - (e) that the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.
- (9) that law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

(F) An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.

(G) All fines and fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

SECTION 3.1. ALARM REGISTRATION DURATION AND RENEWAL

An Alarm Registration shall expire [*] from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and citations and penalties shall be assessed without waiver. A [*] late fee may be assessed if the renewal is more than thirty (30) days late.

** Renewal duration and fees shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample renewal duration schedules that are used by other jurisdictions similar to yours.*

SECTION 4. DUTIES OF THE ALARM USER

(A) An Alarm User shall:

- (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (2) make every reasonable effort to have a Responder to the Alarm System's location within [*] minutes when requested by the law enforcement agency in order to:
 - (a) deactivate an Alarm System;
 - (b) provide access to the Alarm Site; and/or
 - (c) provide alternative security for the Alarm Site.

** Amount of time to be determined by the local jurisdiction and equal to the time designated in Section 3(D)(6). Please call the NBFAA, the FARA and your state association for sample times that are used by other jurisdictions similar to yours.*

- (3) not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.

(C) An Alarm User shall have a Licensed Alarm Installation Company inspect the Alarm System after two (2) False Alarms in a one (1) year period. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period, the Alarm User must have a Licensed Alarm Installation Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate. **[See Appendix A for Installers False Alarm Prevention Checklist]**

(D) An Alarm User shall not use Automatic Voice Dialers.

(E) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

(F) All Alarm Users shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first seven (7) days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to and will not respond to any Alarm Signal from the Alarm Site and will not make an Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event.

SECTION 5. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY

(A) The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

(B) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 4(C) of this Ordinance, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(C) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(D) Ninety (90) days after enactment of this Ordinance the Alarm Installation Companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(E) An alarm company shall not use Automatic Voice Dialers.

(F) After completion of the installation of an Alarm System, an Alarm Installation Company employee shall review with the Alarm User the **Customer False Alarm Prevention Checklist (Appendix B)** or an equivalent checklist approved by the Alarm Administrator.

(G) The Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(H) A Monitoring Company shall:

- (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
- (2) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;
- (3) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;
- (4) communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;

- (5) ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;
- (6) communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
- (7) communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) provide an Alarm User registration number when requesting law enforcement dispatch;
- (9) after an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (10) attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made; and
- (11) upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(I) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

SECTION 5.1 LICENSE OR LICENSING

All Alarm Installation Companies and Monitoring Companies shall maintain a License. [See Appendix D for Licensing of Alarm Companies]

Note: Delete all references to the term License in this Ordinance if there is no such license in your state or jurisdiction.

SECTION 6. DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR

(A) The Alarm Administrator shall:

- (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and

- (2) establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

- (1) identification of the registration number for the Alarm Site;
- (2) identification of the Alarm Site;
- (3) date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
- (4) date and time of law enforcement officer arrival at the Alarm Site;
- (5) Zone and Zone description, if available;
- (6) weather conditions;
- (7) name of Alarm User's representative at Alarm Site, if any;
- (8) identification of the responsible Alarm Installation Company or Monitoring Company;
- (9) whether law enforcement officer was unable to locate the address of the Alarm Site;
and
- (10) cause of alarm signal, if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:

- (1) the date and time of law enforcement response to the False Alarm;
- (2) the identification number of the responding law enforcement officer; and
- (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

(E) The Alarm Administrator may create and implement an Alarm User Awareness Class. The Alarm Administrator may request the assistance of Associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms.

(F) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.

(G) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

SECTION 7. FINES

(A) An Alarm User shall be subject to fines, depending on the number of False Alarms within a 12-month period based upon the following schedule: **[See Appendix C for White Paper on Billing – False Alarm Fine Billing Periods]**

(1) False Alarm Fines

# of False Alarms	Fines
1	(See Appendix E – Fines and Fees)
2	(See Appendix E – Fines and Fees)
3	(See Appendix E – Fines and Fees)
4	(See Appendix E – Fines and Fees)
5 or more	(See Appendix E – Fines and Fees)

(B) In addition, any Person operating a non-registered Alarm System will be subject to a fine of **(See Appendix E – Fines and Fees)** for each False Alarm in addition to any other fines. The Alarm Administrator may waive this additional fine for a non-registered system if the Alarm User submits an application for Alarm Registration within ten (10) days after of notification of such violation.

(C) An Alarm User may have the option of attending an Alarm User Awareness Class in lieu of paying one prescribed fine.

(D) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

(E) The Alarm Installation Company shall be assessed a fine of **(See Appendix E – Fines and Fees)** if the officer responding to the False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the Alarm User.

(F) The Monitoring Company shall be issued a fine of **(See Appendix E – Fines and Fees)** for each failure to Verify Alarm System signals as specified in Section 5(H)(2).

(G) The Alarm Installation Company shall be issued a fine of **(See Appendix E – Fines and Fees)** if the Alarm Administrator determines that an Alarm Installation Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

(H) Notice of the right of Appeal under this ordinance will be included with any fines.

SECTION 8. NOTIFICATION

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the amount of the fine for the False Alarm, notice that the Alarm User can attend Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the [*] False Alarm, excluding Duress, Holdup and Panic Alarms, and a description of the appeals procedure available to the Alarm User.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing after alarm response has been suspended, except to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

** Number of False Alarms shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

SECTION 9. SUSPENSION OF RESPONSE

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Registration if it is determined that:

- (1) the Alarm User has [*] or more False Alarms in a twelve (12) month period;

** Number of False Alarms shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

- (2) there is a statement of a material fact known to be false in the application for a registration;
- (3) the Alarm User has failed to make timely payment of a fine assessed under Section 7 or fee assessed under Section 3; or
- (4) the Alarm User has failed to submit a written certification from an Alarm Installation Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which the alarm registration is revoked and is subject to enforcement and penalties set in Sections 7 and 12. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 12.

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is revoked.

(D) If the Alarm Registration is reinstated pursuant to Section 11, the Alarm Administrator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm Registration if it is determined that [*] False Alarms have occurred within [*] days after the reinstatement date.

** Number of False Alarms and number of days shall be determined by each jurisdiction. Please call the NBFAA, the FARA and your state association for sample numbers that are used by other jurisdictions similar to yours.*

SECTION 10. APPEALS

(A) If the Alarm Administrator assesses a fine or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company.

(B) The Alarm User, Alarm Installation Company or Monitoring Company may appeal an assessment of a fine or the revocation of an Alarm Registration to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Law Enforcement Authority as follows:

- (1) The applicant, Alarm User, Alarm Installation Company or the Monitoring Company may file a written request for a review by paying an appeal fee of [1/2X* (See **Appendix E – Fines and Fees**)] and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator. Appeal fees will be returned to the appealing Alarm User, Alarm Installation Company or Monitoring Company if the appeal is upheld.
- (2) The Law Enforcement Authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Law Enforcement Authority shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days after the date of the hearing. The Law Enforcement Authority shall affirm or reverse the decision of the Alarm Administrator.

[Note: Your municipal attorney should carefully review the stated appeal process to assure compliance with due process]

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Registration or requiring payment of a fine, until the Law Enforcement Authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Law Enforcement Authority may adjust the count of False Alarms based on:

- (1) Evidence that a False Alarm was caused by an Act of God;

- (2) Evidence that a False Alarm was caused by action of the telephone company;
- (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) Evidence that the law enforcement officer response was not completed in a timely fashion; and/or
- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

(F) With respect to fines of an Alarm Installation Company or Monitoring Company the Alarm Administrator or Law Enforcement Authority may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

SECTION 11. REINSTATEMENT

(A) A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Registration reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

- (1) submits a new application and pays a [X* (See Appendix E – Fines and Fees)] reinstatement fee;
- (2) pays, or otherwise resolves, all outstanding citations and fines; and
- (3) submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(B) In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:

- (1) proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;
- (2) a certificate showing that the Alarm User has successfully completed the Alarm User Awareness Class as provided under Section 6(E);-
- (3) upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
- (4) a written statement from an independent inspector designated by the Law Enforcement Authority that the Alarm System has been inspected and is in good working order;
- (5) confirmation that all motion detectors are “dual technology” type;

- (6) confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company;
- (7) confirmation that the Alarm System requires two independent detectors to trigger before transmitting an alarm signal to the Monitoring Company;
- (8) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a listen-in device;
- (9) certification that the Monitoring Company will not request an Alarm Dispatch unless the need for law enforcement is confirmed by a camera device; or
- (10) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a Person at the Alarm Site.

SECTION 12. ENFORCEMENT AND PENALTIES

Enforcement of this Ordinance may be by civil action as provided in [*], under municipal law.

** Reference appropriate section of your municipal or state penal code.*

SECTION 13. CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 14. GOVERNMENT IMMUNITY

Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 15. SEVERABILITY

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.

Appendix A:

INSTALLER FALSE ALARM PREVENTION PROGRAM CHECKLIST

Yes	No	
_____	_____	1. If a duress feature was installed, I thoroughly explained it and I did <u>not</u> program the system so that the duress code is only one digit different than the normal code.
_____	_____	2. I checked that the control panel has been programmed so that:
_____	_____	a. it will not transmit more than one (1) alarm signal from the same zone until manually restored at the premises;
_____	_____	b. it will delay at least fifteen seconds before initiating dialing on intrusion alarm signals;
_____	_____	c. it has adequate delay time on entry/exit doors (delay of 45 seconds or more is recommended); and
_____	_____	d. a cancel code can be entered by the customer to cancel accidental alarms.
_____	_____	3. I checked that police and fire panic buttons cause a siren or speaker to sound and that medical panic buttons cause an audible signal.
_____	_____	4. I checked that the Arming Station(s) emit sound to inform occupants when an entry/exit door sensor has been triggered.
_____	_____	5. I installed and tested standby/backup power.
_____	_____	6. I reviewed the "Customer False Alarm Prevention Checklist" with the customer.
_____	_____	7. I determined whether the customer had special telephone features, such as call waiting or DSL, and took appropriate steps to allow proper control panel dialing and monitoring center verification. (Such as *70 for call waiting, etc.)
_____	_____	8. I checked the control panel was properly grounded to the manufacturer's specifications.
_____	_____	9. I checked that all door and window contacts were properly selected, installed and tested. I considered loose fitting doors and windows, whether wide gap contacts were needed, and steel doors and windows. I followed the manufacturer's installation instructions.
_____	_____	10. I checked all glass breakage sensors were properly selected, installed and tested. I gave consideration to pets, on-site noises and the general environment. I followed the manufacturer's installation instructions.
_____	_____	11. All motion type detectors were properly selected, properly installed and tested. I gave consideration to pets, sunlight, other heat sources, and harsh environments. I followed the manufacturer's installation instructions.

Please explain if you answered "No" to any of the above items: _____

Installation Technician

Printed Name

Signature

Date

Appendix B:

CUSTOMER FALSE ALARM PREVENTION CHECKLIST

Yes No

- ____ 1. I have been made aware of the applicable alarm ordinance and I will comply with its requirements.
- ____ 2. I understand it is my responsibility to prevent false alarms, and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.
- ____ 3. I understand that there is a 7-day no dispatch period for intrusion alarms during which time the alarm company will have no obligation to and will not respond to any alarm signal from an alarm site and will not make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event.
- ____ 4. I have been trained in the proper operation of the system and have been given an operating sheet summarizing the proper use of the system, as well as the security system operating manual.
- ____ 5. I know how to turn off motion detectors while leaving other sensors on. (Residential Only)
- ____ 6. I know how to test the system, including the communication link with the monitoring center.
- ____ 7. I understand that my entry time is ____ and my exit time is ____.
- ____ 8. I have the alarm company phone number to request repair service or to ask questions about the alarm system.
- ____ 9. I know how to cancel an accidental alarm activation and have the system cancellation code or code word.
- ____ 10. I understand that indoor pets can cause false alarms and I will contact my alarm company to adjust the system if I acquire any additional indoor pets.
- ____ 11. I understand that the main control panel and transformer are located in _____.
- ____ 12. I have received an alarm sheet, which describes how the alarm company will communicate with me in the event of various alarm signals.
- ____ 13. I understand the importance of:
- keeping my emergency contact information updated and I know how to do this;
 - immediately advising the alarm company if my phone number changes (including area code changes); and
 - immediately advising the alarm company of any other changes to my telephone service such as call waiting or a fax line.
- ____ 14. I will advise the alarm company if I do any remodeling (such as painting, moving walls, doors or windows).
- ____ 15. I understand that certain building defects (such as loose fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them.
- ____ 16. The alarm company has given me written false alarm prevention techniques to help me prevent false alarms.

Comments: _____

ALARM COMPANY

CUSTOMER

Print Name(s)

By: _____

Signature(s)

Date

Appendix C:

NBFAA WHITE PAPER ON BILLING PERIODS

An alarm ordinance typically defines a false alarm and how that false alarm is “counted” against the alarm user for penalties or fees. Most ordinances allow the user one or two false alarms and then a fee or penalty is charged for any additional alarm activations. This document is intended to identify the most commonly used methods for counting and billing false alarms.

In determining what billing period will be used, the jurisdiction should be aware that their means of administering the ordinance, including the software that will be utilized, would accommodate the method chosen.

- A. Calendar Year (Fixed Period): A majority of ordinances count false alarms on a calendar year basis, from January 1 to December 31. For any alarm activations that occur between January 1 to December 31 that are over the “free” count, the user is charged.

Example: 1-3 False alarms in a calendar year – no charge

4, 5 & 6 False alarms - \$50.00 each

7, 8 & 9 False alarms - \$100.00 each

If a user had a false alarm in February 1999 and two false alarms in March 1999, they would be billed for any additional false alarms that occurred through December 31, 1999 of that same year. The user would then “start over” for any false alarm activations occurring in the next calendar year, January 1, 2000 through December 31, 2000.

- B. Calendar Quarter: This is a variation of the calendar year. (May also be used for a 60 day or 180 day period.)

Example: 1st false alarm in a calendar quarter - free

2nd, 3rd & 4th - \$50.00

5th and over - \$100.00

If a user had a false alarm in February 1999 and a second false alarm in March 1999, they would be billed \$50.00 for the March false alarm activation. Since the counting would start over again with the next calendar quarter, if the user generated the next false alarm in July 1999 it would be their first activation in that quarter and would not be chargeable.

C.

Permit Date Counting Method: Some ordinances count false alarms in a fixed 12-month period from the date of the specific individual alarm user permit date.

Example: Permit date May 9th, 1999. If the user has a false alarm on September 3, 1999 and three more false alarms in December 1999, they would have a total of four false alarms for the time period of May 9, 1999 through May 8, 2000. If the ordinance used a fee schedule, which allowed for 1-3 free false alarms and a fee of \$50 for the fourth false alarm, the fourth false alarm (which occurred in December) would be charged as \$50.00.

- D. Rolling Method: Some ordinances define the counting period as the number of false alarms that have occurred in a rolling period of time (typically 12 months) prior to any false alarm.

Example: A false alarm occurs on March 17, 2000. To determine what number the March 17, 2000 activation is, you would count the number of false alarm activations that had occurred from March 18, 1999 to March 17, 2000.

If a user had false alarms on June 15, 1999, July 13, 1999 and October 4, 1999, the false alarm on March 17, 2000 would be the fourth false alarm and would be subject to the penalties prescribed by the ordinance for the fourth false alarm.

- E. Sliding Method: Some ordinances define the counting period within a sliding time period beginning with the first false alarm activation.

Example: A false alarm occurs on March 17, 2000. Any false alarm activations occurring after March 17, 2000, but before March 17, 2001 would be counted.

If a user had false alarms on March 17, 2000, May 1, 2000, July 28, 2000 and September 23, 2000, the false alarm on September 23, 2000 would be the fourth false alarm and would be subject to the penalties prescribed by the ordinance for the fourth false alarm.

Again, in determining what billing period will be used, the jurisdiction should be aware that their means of administrating the ordinance, including the software that will be utilized, would accommodate the method chosen.

Appendix D:

LICENSING OF ALARM COMPANIES

NBFAA and FARA agree that licensing of alarm companies is an important part of the fight against false alarms.

Requirements included within the NBFAA/FARA Model Alarm Ordinance strike an appropriate balance between detection and false alarm prevention by focusing on abusers of alarm systems. Fines, restricted response and alarm user schools have all proven effective as false alarm reduction techniques at the local level. These techniques have proven reliable in a joint project of the alarm industry and the International Association of Chiefs of Police (IACP) in reducing false alarms.

NBFAA and FARA have found that during the discussion of regulation at the local municipal level, methods to certify the installation, service and monitoring of burglar alarms is often discussed. Some suggest that certification or listing by a testing laboratory such as Underwriters Laboratories is the best way to achieve the objectives of a local ordinance. It has been found however, that the benefits of a UL listing or certification are often misunderstood. While UL is currently conducting a debate on the incorporation of false alarm reduction technologies into its standards the UL standards are developed with detection of intrusion or fire and the reduction of losses as the primary objectives. It is not uncommon that efforts to verify that an alarm is in fact real are found to be contrary to a UL standard or requirement. When such standards are adopted at a state or local level, then some safeguards that are put in place to prevent false dispatches are prohibited.

NBFAA has reached the following conclusions on which government entities are best equipped to regulate which industry activities, after extensive review of existing requirements and discussion with public officials, code enforcement officials and industry representatives.

- NBFAA encourages the adoption and enforcement of state licensing for the electronic security and life safety systems industry to require appropriate training, background checks and sufficient insurance.
- NBFAA encourages inter-state recognition or reciprocity of state licenses.
- NBFAA supports the adoption and enforcement of municipal ordinances designed to reduce the incidence of false alarms and consequently reduce unnecessary dispatches of public safety personnel.

NBFAA feels that language included in the International Association of Security and Investigative Regulators (IASIR) Model Security Systems Licensing Act sets out appropriate and effective requirements that can be adopted at the state level. NBFAA believes that it is inappropriate and unwise to try to duplicate the level of detail required for equitable and reasonable regulation of this area at the local level. Statewide regulation reduces consumer costs by eliminating redundant requirements and establishes an adequate pool of licensees to provide appropriate funding for enforcement of the regulations.

FARA's formal position on alarm company licensing is that alarm companies should be licensed at some level, and each municipality has the right to decide at what level alarm company licensing should be required.

Appendix E:

FINES AND FEES

Specific amounts of fines and fees are not listed in the text of this document in order to encourage a dialogue among law enforcement, municipal leaders, alarm users and alarm companies on the appropriate fine or fee to fit the circumstances of your jurisdiction.

FARA, NBF AA and your state alarm association can assist you in establishing the appropriate fines and fees for your jurisdiction.

Administration of the ordinance will be simpler if the jurisdiction adopts a uniform period of time (i.e. one year) for the counting of multiple occurrences and the length of the registration period.

FINES

Fines are one of several tools to discourage false alarms, encourage compliance and hasten the application of corrective actions to avoid false alarms. In general;

- Fines should be directed at the individual or company whose behavior you desire to change, even if fining another would be more efficient or easier (i.e. fine the user if the user caused the false alarm not the alarm company)
- Each fine should be high enough to discourage the behavior that resulted in the fine, but reasonable enough so as to not create an undue hardship on the violator.
- Fines for false alarms should begin after the first false alarm. Allowing a greater number of "free" false alarms will only postpone the resolution of the problem(s) causing the false alarm. However, if there are currently numerous "free" false alarms it might be advisable to reduce them in increments over period of time until you reach the desired amount.
- Fines that are attached to multiple occurrences of the same act (i.e. multiple false alarms) should escalate after each occurrence. This will further encourage the violator to correct the problem.
- Some jurisdictions only allow cost recovery to be used as the basis for the fine, in other cases additional fines may be allowed.

FEES

Alarm registration and renewal fees can allow a jurisdiction to recoup some or all of the cost of administering the ordinance and/or providing response. Some jurisdictions only allow cost recovery to be used as the basis for the fee, in other cases additional fees may be allowed.

Decisions Required on Fines and Fees

We believe that adopting a consistent ratio of fees and fines will enhance the acceptance of your ordinance and make it more defensible over any objections. We have considered the severity of an offense and the difficulty involved in an action in applying our ratios. As with all other sections of the ordinance you are encouraged to modify this approach to meet the local needs. In the suggested ratios below "X" is used to represent a number selected by the local jurisdiction. A multiplier is used to establish the ratio.

Description	Reference	Suggested Ratio	Example
Registration fee	3-B-1	Admin Cost	N/A
Renewal Fee	3-B-2	Admin Cost	N/A
Late Fee	3.1	½ X	\$25
Fine – 1 st False Alarm	7-A-1	0	\$0
Fine – 2 nd False Alarm	7-A-1	X	\$50
Fine – 3 rd False Alarm	7-A-1	1.5 X	\$75
Fine – 4 th False Alarm	7-A-1	2 X	\$100
Fine – 5 th or more False Alarm (s)	7-A-1	4 X	\$200
Operation of a Non Registered Alarm System	7-B	2 X	\$100
False Alarm Caused By On Site Alarm Company Employee	7-E	2 X	\$100
Monitoring Company Failure to Verify	7-F	2 X	\$100
False Statement by an Alarm Co. Employee Making an On-Site Inspection	7-G	4 X	\$200
Appeal Fee	10-C-1	½ X	\$25
Reinstatement Fee	11-A-1	X	\$50



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False Alarm Reduction

False alarms are costly, waste valuable police service, and jeopardize the safety of police and citizens when officers respond to a call that may or may not be a crime. The City of Renton developed an Alarm Ordinance (Ordinance No. 4852; RMC 6-3) that includes business and residential alarm systems. This ordinance went into effect on September 10, 2000.

In 2009, the Renton Police Department received 3,083 alarm calls (approximately 8 per day) and 3,021 of those calls were false alarms. Only 62 of these alarm calls were valid. The Police Department spent 2,080 hours responding to the alarms, which cost taxpayers approximately \$72,550. Many other police departments have similar programs in place and have found that it has made a significant impact in reducing responses to false alarms.

The ordinance states: "No person shall operate or use an alarm system on any premises under that person's control, within the City of Renton, without first having obtained from the Police Department a separate registration for each premises protected by an alarm system."

Under the ordinance, an "alarm user" is defined as any person, firm, partnership, association, corporation, company, or organization of any kind from whom a registration is required under this chapter who/which uses or is in control of any alarm system at its alarm site.

The City of Renton does not charge to have an alarm registered with the Police Department. However, alarm users who fail to register within 30 days after their system becomes operational will be charged a late registration penalty of \$50.

The Police Department is not required to respond to an alarm if there is an unpaid fine, six false alarms have occurred in one calendar year, or a registration has not first been obtained. Following is a list of fines associated with false alarms:

- Late registration penalty: \$50
- 1-3 false alarms: no charge
- 4-5 false alarms: \$50 fine each
- 6 or more false alarms: \$100 fine each and may be subject to No Police Response

The Police Department holds free educational classes to help prevent false alarms.

To register your alarm, call (425) 430-7646 and leave your name, address, and phone number. A registration form will be mailed or faxed to you. The Alarm Registration Application may be [downloaded](#) from this website. After completing and returning the alarm registration to the Police Department, you will receive a registration number in the mail.

[Email the False Alarm Reduction Program Coordinator](#)

[Good information to know before purchasing an alarm system](#)


[send to a friend](#)

Alarm Industry Steps Up to Reduce False Alarm Calls through Enhanced Call Verification

By Glen M. Mowrey, Deputy Chief (Retired), Charlotte-Mecklenburg Police Department, Charlotte, North Carolina, and National Law Enforcement Liaison, Security Industry Alarm Coalition; and Derek Rice, Principal, The Write Solutions, Portland, Maine

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

R E S O L U T I O N

Adopted at the 109th Annual Conference
Minneapolis Minnesota
October 8, 2002

Measure to Enhance Police Resources
Submitted by the Private Sector Liaison Committee
PSLC025.a02

WHEREAS, homeland security has put new demands on law enforcement resources; and,

WHEREAS, results from studies initiated by the alarm industry indicate that multiple call verification (two or more calls prior to request for dispatch) significantly reduce false dispatches, thereby freeing up law enforcement resources that can be redirected to Homeland Security issues; now, therefore be it

RESOLVED: IACP urges all alarm companies to:

- Immediately implement multiple call verification procedures to be used by the central station monitoring center prior to law enforcement dispatch on all alarm signals from customer alarms; and
- Support local jurisdiction efforts to adopt procedures or ordinances mandating multiple call verification procedures.

It is no secret that responding to false alarm calls places an undue burden on police resources and affects agencies' responses to more serious calls. There are a number of effective strategies that have been developed jointly by the IACP's Private Sector Liaison Committee and the Security Industry Alarm Coalition (SIAC)

to help reduce false alarm calls. These strategies include the development of a model ordinance, registration guidelines, graduated fine structure, new equipment standards, suspension of response to chronic abusers, and an in-house or outsourced billing and tracking component.

In addition to these strategies, the alarm industry, in recognizing the strain false alarm calls place on law enforcement, has initiated its Enhanced Call Verification (also referred to as Multiple Call Verification) program. Under this program, when central monitoring stations make two or more calls prior to requesting police dispatch, significant reductions in false alarm calls can be realized.

In the past, most alarm companies made only one call, usually to the alarm premises, before calling the police to dispatch. Under Enhanced Call Verification, the central station operators call the customer premises and then, if necessary, a second customer-provided phone number, such as a cell phone, to attempt to verify an alarm before law enforcement is called. Enhanced Call Verification is becoming an industry standard, and during the past year has shown a significant reduction in alarm calls to 911 dispatch centers. False alarm calls to police can be reduced by as much as 40 percent as companies implement the second- or multiple-call procedure. With the promising preliminary results of the new procedure, the IACP, at the

request of its Private Sector Liaison Committee, adopted the Measure to Enhance Police Resources Resolution on October 8, 2002, during the 109th Annual IACP Conference in Minneapolis. Under the resolution, IACP urged alarm companies to immediately implement multiple-call verification procedures and supported local jurisdictions' efforts in adopting procedures and ordinances mandating these procedures.

Many alarm companies have implemented procedures with notable results:

- ADT began making sweeping changes nationwide in its central station operations. It began making second call verifications with its West Coast accounts last year and is implementing its program state-by-state. ADT has announced a completion date of mid-October for all their North American accounts.
- Brinks Home Security Systems, which has a customer base that is 95 percent residential, currently has more than 50 percent of its accounts designated as second call verification. The company anticipates that this percentage will increase substantially as existing customers opt for the second call procedure. Currently, all new accounts are set up for two-call verification. Brinks's ultimate goal is to reduce its requests for police dispatches through its continuing work with Enhanced Call Verification.

Other alarm companies with local and regional operations are showing significant results:

- Vector Security, with headquarters in Mount Laurel, New Jersey, implemented Enhanced Call Verification in 2003 and required its customers to go to second call verification. Since adopting the procedure a year and a half ago, dispatches have been reduced dramatically. Forty-nine percent of alarm signals that would have generated a dispatch under the company's old system, in which only the premises was called, no longer resulted in a dispatch.¹
- LOUD Security Systems, based in the Atlanta area, has reduced dispatches by 27 percent during a three-month period this year, as compared to the same period in 2003. Company President John Loud attributes this reduction to LOUD's two-call verification policy, which it instituted a little more than a year ago. Most notable is that this decrease in dispatches was realized even though the company increased its monitored subscriber base by 32 percent in that same time period. In June 2003, under its previous policy of making only one call, the company had 229 dispatches from its 1,161 monitored accounts. A year later, in June 2004, under the two-call policy, LOUD's 1,623 accounts generated only 175 dispatches.
- During 2003, Alarm Detection Systems (ADS) of Aurora, Illinois, advised its 23,000 customers that effective January 1, 2004, the company would not dispatch police in response to an alarm signal until it had called the premises and a second number. ADS's new system resulted in a reduction of nearly 25 percent in calls to 911 centers during the first seven months of 2004 as compared to the same period in 2003. According to company President and Chief Executive Officer Bob Bonifas, after seeing the immediate reductions in dispatch calls, ADS wanted to further improve its customer contact lists and improve the program's effectiveness. As a result, ADS recently mailed letters to its subscribers asking them to list more than one phone number to call if their alarm system trips.
- The Boulder, Colorado, Police Department is one of the first agencies to include Enhanced Call Verification as a department policy and has noted significant reductions in alarm calls for service. Boulder Police Chief Mark Beckner said his department realized significant results within the first 30 days after the policy became effective on June 1 of this year. "We immediately saw a 35 percent decrease in alarm calls to our communications center, and with our new policy, we expect a 40 to 50 percent reduction during the first year," he said.

The alarm industry has been working with the Boulder Police Department, and prior to the police department's enacting its current policy some alarm companies voluntarily began making second call verifications. Since November 2003, a 25 percent reduction in calls to police has been achieved. As a result of the new police

department policy, which requires all alarm companies to make a second call, the alarm industry anticipates a 50 percent reduction over the next 12 months in Boulder.

- Lee County, Florida, is believed to be the first jurisdiction in the country to include Enhanced Call Verification in its alarm ordinance. The ordinance was adopted in March 2003, and enforcement began January 1, 2004. Since the first of the year, the Lee County Sheriff's Office has seen a steady decrease in alarm calls and currently has seen calls drop on average from 96 to 45 per day. Major Dan Johnson, the executive lead in Lee County Sheriff's Office's effort to reduce alarm calls, said, "With our noted success in reducing in the number of alarm calls coming into our communications center for the first seven months of 2004, we clearly expect to reach our targeted goal of 70 percent during 2005." He added, "The success of Lee County's efforts is the direct result of its initial public education program, public acceptance, and the cooperation and partnership with the alarm industry in finding a solution for a community-wide problem."

Clearly, Enhanced Call Verification is playing a significant role in reducing false alarm calls to police. With the continuing demands and priorities that are being placed on law enforcement, and particularly with recent demands requiring special attention to homeland security issues, the second call procedure is allowing law enforcement to redirect resources to more pressing matters.

It is widely accepted that a 50 percent reduction in requests for police dispatch can be realized when the IACP resolution is acted upon by the alarm industry in implementing Enhanced Call Verification and when local jurisdictions and agencies adopt elements of the resolution into local ordinances and policies. The Private Sector Liaison Committee and the Security Industry Alarm Coalition will continue to monitor the results and successes of the program. According to SIAC Executive Director Stan Martin, Enhanced Call Verification is fast becoming an industry standard. Martin also reminds departments that studies have shown that alarm ordinances must be enforced to achieve the maximum benefit of reduced calls for service. ■

¹ "Success Stories in Reducing False Alarms," SDM Magazine (July 2004).

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**CITY COUNCIL
WORKSHOP BILL
WS 15-06**

Meeting Date: March 2, 2015

AGENDA ITEM INFORMATION

AGENDA ITEM INFORMATION		<i>Originator:</i>
SUBJECT: Holiday Decorations 2015	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Finance Director	DG
	Police Chief	
COST: Unknown	Streets/Parks/Drainage Supervisor	MK
	Water/Wastewater Supervisor	
SUMMARY STATEMENT: Now is the time to take advantage of discounts from the holiday decoration suppliers. Review and discuss our options. We will have a special guest speaker.		

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LONG BEACH CITY COUNCIL MEETING

FEBRUARY 17, 2015

CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Andrew called the meeting to order at 7:00 p.m. and asked for the Pledge of Allegiance and roll call.

ROLL CALL

Gene Miles, City Administrator, called roll with Mayor Andrew, C. Linhart, C. Hanson, C. Murry, and C. Phillips present. C. Perez was absent.

CONSENT AGENDA

Minutes, February 2, 2014 Regular City Council meeting

Payment Approval List for Warrant Registers 55051 - 55097 & 77464 - 77562 for \$200,382.16

C. Linhart made the motion to approve the consent agenda with C. Phillips seconding the motion. 4 Ayes 0 Nays 0 Abstain 1 Absent (C. Perez), motion passed.

BUSINESS

AB 15-13 Visitor's Bureau Contract

David Glasson, Finance Director, presented the agenda bill. Agenda item is in regards to updating the existing contract to include 2015 budgeted items. **C. Linhart made the motion to approve the agenda bill with C. Phillips seconding the motion. 4 Ayes 0 Nays 0 Abstain 1 Absent (C. Perez), motion passed.**

AB 15-14 Ordinance No. 907 for Case No VAC 2015-01 – Partial Vacation of 10th and 11th Streets NE and Oregon Ave N

Mayor Andrew opened a public hearing for the partial vacation of 10th and 11th Streets NE and Oregon Ave N. Since there were no public comments, Mayor Andrew closed the public hearing.

Gayle Borchard, Community Development Director, presented the agenda bill. Agenda item is in regards to partial vacation of 10th and 11th Streets NE and Oregon Ave N. Council is asked to conditionally approve Ordinance No 907, but will not transfer property until funding is secured for the project requiring the vacations. **C. Linhart made the motion to pass the agenda bill with C. Phillips seconding the motion. 4 Ayes 0 Nays 0 Abstain 1 Absent (C. Perez), motion passed.**

AB 15-15 Resolution 2015-08; implementation of City Safety Committee

Gene Miles, City Administrator presented the agenda bill. Agenda item is in regards to implementation of the City Safety Committee required for the loss prevention program. **C. Phillips made the motion to pass the agenda bill with C. Linhart seconding the motion. 4 Ayes 0 Nays 0 Abstain 1 Absent (C. Perez), motion passed.**

AB 15-16 Resolution 2015-09; establish the Clerk/Treasurer position

David Glasson, Finance Director, presented the agenda bill. Agenda item is in regards to establishing the position of Clerk/Treasurer. **C. Linhart made the motion to pass the agenda bill with C. Hanson seconding the motion. 4 Ayes 0 Nays 0 Abstain, 1 Absent (C. Perez), motion passed.**

ORAL REPORTS

C. Phillips, C. Hanson, C. Linhart, Mayor Andrew, Gene Miles, City Administrator, David Glasson, Finance Director and LBVFD Chief, Gayle Borchard, Community Development Director, and Ragan Myers, Tourism and Events Coordinator, presented reports.

CORRESPONDENCE AND WRITTEN REPORTS

Correspondence – 2014 Audit Exit conference with our Auditor
Correspondence – Letter to Mayor and City from FEMA on our floodplain work
Correspondence – PD report for January 2015
Correspondence – SMP Update of Visioning Comments
Correspondence – Reports on Festival and Events Activities

PUBLIC COMMENT

No public comment.

ADJOURNMENT

Mayor Andrew adjourned the meeting. The meeting was adjourned at 7:29 p.m.

Mayor

ATTEST:

City Clerk



Warrant Register

Check Periods: 2015 - February - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

Council Member	Council Member	Council Member	Finance Director
Number	Name	Print Date	Clearing Date Amount
55098	Bell, Helen S	2/20/2015	\$1,225.58
55099	Binion, Jacob	2/20/2015	\$1,518.57
55100	Bonney, Matthew T	2/20/2015	\$1,400.18
55101	Payroll Vendor	2/20/2015	Void
55102	Borchard, Gayle	2/20/2015	\$1,635.13
55103	Cutting, Jeffrey G.	2/20/2015	\$1,828.73
55104	Ellyson, Susan R	2/20/2015	\$1,060.13
55105	Fitzgerald, Rick E.	2/20/2015	\$1,500.51
55106	Gilbertson, Bradley K	2/20/2015	\$1,439.58
55107	Glasson, David R.	2/20/2015	\$2,593.64
55108	Goulter, John R.	2/20/2015	\$1,611.20
55109	Gray, Karen	2/20/2015	\$398.37
55110	Huff, Timothy M.	2/20/2015	\$1,501.42
55111	Kirby, Gary E	2/20/2015	\$814.06
55112	Kitzman, Michael	2/20/2015	\$2,143.19
55113	Luethke, Paul J	2/20/2015	\$1,591.48
55114	Meling, Casey K	2/20/2015	\$1,610.68
55115	Miles, Eugene S	2/20/2015	\$2,587.97
55116	Mortenson, Tim	2/20/2015	\$1,771.95
55117	Myers, Ragan S.	2/20/2015	\$1,460.24
55118	Nawn, Rodney J.	2/20/2015	\$1,631.36
55119	Ostgaard, Loretta G	2/20/2015	\$1,417.32
55120	Padgett, Timothy J	2/20/2015	\$1,440.34
55121	Parker, Michael T	2/20/2015	\$1,627.05
55122	Russum, Richard	2/20/2015	\$1,273.43
55123	Warner, Ralph D.	2/20/2015	\$1,880.87
55124	Wright, Flint R	2/20/2015	\$2,424.99
55125	Zuern, Donald D.	2/20/2015	\$2,119.78
55126	Booi, Kristopher A	2/20/2015	\$1,423.96

Number	Name	Print Date	Clearing Date	Amount
55127	AFLAC	2/24/2015		\$209.88
55128	Association of WA Cities	2/24/2015		\$21,310.88
55129	City of Long Beach - Fica	2/24/2015		\$9,802.54
55130	City of Long Beach - FW/H	2/24/2015		\$8,031.41
55131	Dept of Labor & Industries	2/24/2015		\$1,783.17
55132	Dept of Retirement Systems	2/24/2015		\$9,017.12
55133	Dept of Retirement Systems Def Comp	2/24/2015		\$1,150.00
55134	Massmutual Retirement Services	2/24/2015		\$375.00
55135	Teamsters Local #58	2/24/2015		\$182.00
77563	Quality Inn Renton	2/17/2015		\$254.92
77564	Warner, Ralph	2/17/2015		\$213.00
77565	Subway	2/17/2015		\$63.60
77566	Tactical Design Labs	2/19/2015		\$134.34
77567	Active Enterprises, Inc.	2/19/2015		\$485.10
77568	Muth, John	2/19/2015		\$5.38
77569	Tangly Cottage Garden	2/20/2015		\$867.79
77570	Nawn, Rodney	2/23/2015		\$146.00
77571	Best Western Newberg Inn	2/17/2015		\$250.65
77572	Warner, Ralph	2/25/2015		\$211.03
77573	Department of Licensing - Firearms Section	2/25/2015		\$3,128.25
77574	Visa	2/25/2015		\$83.83
77575	Visa	2/25/2015		\$34.09
77576	Wilbur-Ellis CO	2/26/2015		\$1,923.33
77577	Active Enterprises, Inc.	2/27/2015		\$298.12
77578	Alisco-American Linen Div.	2/27/2015		\$61.53
77579	Astoria Janitor & Paper Supply	2/27/2015		\$3,423.66
77580	At&t Mobility	2/27/2015		\$54.74
77581	AWC Drug & Alcohol Consortium	2/27/2015		\$204.00
77582	Backflow Management Inc	2/27/2015		\$1,502.50
77583	Beachdog.com Inc.	2/27/2015		\$17.00
77584	Blow Your Top Co.	2/27/2015		\$53.90
77585	Calvert Technical Services	2/27/2015		\$2,748.90
77586	CenturyLink	2/27/2015		\$1,810.43
77587	Chinook Observer	2/27/2015		\$218.40
77588	CURRAN-MCLEOD, INC	2/27/2015		\$550.00
77589	Davis, Lynn	2/27/2015		\$1,370.31
77590	Department Of Enterprise Services	2/27/2015		\$400.00
77591	Department of Licensing - Firearms Section	2/27/2015		\$21.00
77592	Elyson, Sue	2/27/2015		\$49.71
77593	Ford Electric	2/27/2015		\$215.60
77594	Galls, LLC	2/27/2015		\$372.32
77595	GRAINGER	2/27/2015		\$181.05
77596	Hach Company	2/27/2015		\$2,699.12
77597	Kaino, Kris A.	2/27/2015		\$500.00
77598	Northwest Festivals & Events Convention & Expo	2/27/2015		\$880.00

Execution Time: 27 second(s)

Printed by CLB1\DavidG on 2/27/2015 10:44:17 AM
Register

Number	Name	Print Date	Clearing Date	Amount
77599	Ocean Beach Medical Clinic	2/27/2015		\$23.00
77600	Peninsula Rotary	2/27/2015		\$20.82
77601	Powell, Seiler & Co., P.S	2/27/2015		\$215.00
77602	Public Utility District 2	2/27/2015		\$10,306.13
77603	Serendipity Media	2/27/2015		\$816.00
77604	Sirenet.com	2/27/2015		\$512.58
77605	Standard Insurance Co.	2/27/2015		\$1,828.92
77606	STAPLES ADVANTAGE	2/27/2015		\$134.20
77607	State Auditor's Office	2/27/2015		\$1,329.00
77608	TMG Services, Inc.	2/27/2015		\$856.22
77609	U.S. Cellular	2/27/2015		\$327.35
77610	Unum Life Insurance	2/27/2015		\$57.00
77611	Visa	2/27/2015		\$647.14
77612	Wausau Tile	2/27/2015		\$5,521.82
77613	Wilcox & Fiegel Oil Co.	2/27/2015		\$792.44
77614	World Kite Museum	2/27/2015		\$1,763.55
Total				\$147,378.48
Grand Total				\$147,378.48

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**CITY COUNCIL
AGENDA BILL
AB 15-17**

Meeting Date: March 2, 2015

AGENDA ITEM INFORMATION

SUBJECT: Gazebo Roof Repair Quotes	Originator:	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	MK
COST: \$2,845.92	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: During the budget process the city planned to repair the gazebo, including the roof. The supports have been completed by staff, and Parks Supervisor Mike Kitzman has solicited quotes from the following vendors and the results are as follows:

G.M. Solum – No response
CSB Construction - \$2,845.92
Dr. Roof – \$3,083.08
S.A.W. Construction - \$3,435.21

RECOMMENDED ACTION: Staff recommends approval of the quote from CSB Construction.

CSB Construction, Inc.

CSBCOI*036B9
P.O. Box 61
Long Beach, WA 98631-0061
Phone: (360)642-4907
Cell: (360)783-2938
Email: csbinc@yahoo.com

Proposal/Contract

Number: 20150217
Date: 2/17/15

To:

City of Long Beach
PO Box 310
Long Beach, WA 98631
Attn. Mike Kitzman

Job Location:

Gazebo/3rd St
Long Beach, WA 98631

Terms:

In full upon completion of project.

Project:

Amount

We propose to provide labor and materials to complete the following:

Remove existing roof shingles and felt from Gazebo roof. Replace with #1 Western Red cedar shingles at 5" exposure. Stainless drip edge and fasteners. Clean-up and disposal included.

Any dry-rot discovered will be repaired on a time and materials basis.
\$50.00/man hour and materials plus 10%.

5 year blow-off guarantee (void if winds exceed 100mph).

Labor & Materials	\$2,640.00
------------------------------	-------------------

Signatures:

Authorized Signature/City of Long Beach

Chris S. Boggs/CSB Construction, Inc.

Date

Date

2/18/15

Sub-Total	\$2,640.00
State Tax 7.80%	\$205.92
Total	\$2,845.92

Thank you for choosing CSB Construction, Inc.!

WASHINGTON OFFICES

LONG BEACH: 360-642-3841
VANCOUVER: 360-852-8884
EASTERN WA: 509-821-0053
LIC # DRROOI'990QT
EIN # 91-2137934

DR. ROOF, Inc.

WE DO MORE THAN ROOFS
SIDING - WINDOWS - DECKS - GUTTERS
PO BOX 187 • SEAVIEW, WA 98644
www.drroofinc.com

OREGON OFFICES

PORTLAND: 503-791-0319
SEASIDE: 503-717-1911
FAX: 503-717-1011
CCB # 157159

CUSTOMER CITY OF LONG BEACH C/O MIKE KITZMAN PHONE 360-642-2203

MAILING ADDRESS MKITZ@CENTURYTEL.NET PHONE _____

CITY _____ STATE WA ZIP _____

PROJECT ADDRESS 208 PACIFIC AVE SOUTH, LONG BEACH 98631 INFO ROOF

DR ROOF INC., PROPOSED MATERIALS AND INSTALLATION TO BE PERFORMED AT ABOVE ADDRESS AS FOLLOWS:

REMOVE EXISTING CEDAR ROOFING ON GAZEBO BUILDING

INSPECT SUBSTRATE FOR WATER DAMAGE

INSTALL NEW CEDAR SHINGLES TO ROOF DECK

ALL SHINGLES INSTALLED WITH STAINLESS STEEL FASTENERS

INSTALL ALL NEW HIP AND RIDGE CAPS

FLASH CENTER PIECE AS NEEDED

MAGNETIC SWEEP GROUNDS

CLEAN UP HAUL AWAY ALL JOB DEBRIS

☒ T.O./REMOVAL EXISTING

☐ SHEETING INSPECT

☐ UNDERLAYMENT N/A

☒ ROOFING CEDAR

☐ SIDING N/A

☐ WINDOWS N/A

☐ DECK N/A

☒ WARRANTY 10 YEAR LABOR

COLOR CHOICE NATURAL

☒ NAILS/FASTENERS STAINLESSSTEEL

☒ FLASHINGS AS NEEDED

☐ TRIM N/A

☐ CAULKING/SEALING AS NEEDED

☐ VENTING N/A

☐ MISC. N/A

☒ MISC. ALL PROMOTIONAL DISCOUNTS APPLIED

☒ CLEAN UP & REMOVE DEBRIS

MANUFACTURER _____

** IF ROT IS DISCOVERED, THERE WILL BE AN ADDITIONAL COST

** METAL RUSTING, CAULKING FAILURE OR MAINTENANCE IS NOT COVERED BY WARRANTY

** ATTENTION: NAILS MAY PENETRATE SOFFIT AREA

DR. ROOF, INC. AGREES TO COMPLETE THIS INSTALLATION IN A WORKMANLIKE MANNER FOR THE PRICE OF:

\$ 2,860.00 PLUS TAX AMOUNT \$3,083.08 INCLUDING TAX

THIS PRICE INCLUDES ALL LABOR AND MATERIALS TO BE PROVIDED BY DR. ROOF, INC. UNLESS OTHERWISE SPECIFIED
DOWN PAYMENTS ARE BASED ON SIZE OF PROJECT AND MATERIALS NEEDED. BALANCE IS DUE IMMEDIATELY UPON COMPLETION
OF WORK. PAYMENT IS REQUIRED IN FULL TO ENSURE LABOR AND MATERIAL WARRANTIES ARE INSTATED.

DISCLAIMER: ANY ALTERATION OR DEVIATION FROM THE SPECIFICATIONS OF THIS PROPOSAL INVOLVING EXTRA COSTS OF
MATERIAL OR LABOR WILL BE EXECUTED UPON VERBAL ORDERS OF THE HOMEOWNER, AND WILL BECOME AN EXTRA CHARGE
OVER THE BALANCE DUE.

RESPECTFULLY SUBMITTED BY

ACCEPTANCE OF PROPOSAL

JAY RINEHART

DATE 9/30/14

BY SIGNING THIS CONTRACT IT STATES THAT YOU AUTHORIZE DR. ROOF, INC. TO FURNISH ALL LABOR AND MATERIALS REQUIRED TO
COMPLETE THE SCOPE OF WORK DETAILED IN THE ABOVE PROPOSAL AND AGREE TO PAY THE BALANCE DUE AND ANY ADDITIONS UPON
COMPLETION OF THE INSTALLATION AND THAT YOU HAVE READ AND UNDERSTAND THE LIEN INFORMATION ON THE REVERSE SIDE.

ACCEPTED _____

DATE _____

THIS PROPOSAL IS VALID FOR 30 DAYS FROM THE DATE OF SUBMISSION. IF YOU SIGN THIS CONTRACT AND WISH TO CANCEL THE CONTRACT
AT ANY TIME THERE WILL BE A RELEASE OF CONTRACT FEE OF \$250.00 PLUS A MATERIAL RESTOCKING FEE OF 15%

ROOFING • SIDING • WINDOWS • DECKS • GUTTERS

ROOFING • SIDING • WINDOWS • DECKS • GUTTERS

PO Box 116
Long Beach, WA 98631

Date	Estimate #
2/18/2015	20150201

Name / Address
City of Long Beach

Project

Description	Qty	Rate	Total
tare off and install new #1 shingle roof on gazebo		3,186.65	3,186.65T

Thank you for your business.	Subtotal	\$3,186.65
	Sales Tax (7.8%)	\$248.56
	Total	\$3,435.21

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**CITY COUNCIL
AGENDA BILL
AB 15-18**

Meeting Date: March 2, 2015

AGENDA ITEM INFORMATION

SUBJECT: Surplus Vehicle	Originator:	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	DG
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST:	Other:	

SUMMARY STATEMENT: City staff wishes to declare the following equipment surplus, advertise, and take bids accordingly. If the minimum bid isn't met, the equipment would be turned over to a consignment vendor. The surplus equipment is as follows:

Year	Make and Model	Serial # / VIN#	Minimum Bid
1985	International Trolley	1HVLNHGL4FHA59055	\$7,500

RECOMMENDED ACTION: *Authorize staff to advertise and sell the above equipment.*

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**CITY COUNCIL
AGENDA BILL
AB 15-19**

Meeting Date: March 2nd, 2015

AGENDA ITEM INFORMATION

AGENDA ITEM INFORMATION	
SUBJECT Special Saturday Sale September 5th, 2015 Columbia Pacific Farmers Market	Originator:
	Mayor
	City Council
	City Administrator
	City Attorney
	City Clerk
	City Engineer
	Community Development Director
	Finance Director
	Fire Chief
	Police Chief
	Streets/Parks/Drainage Supervisor
	Water/Wastewater Supervisor
COST: 0	Other: Tourism & Events Coordinator
SUMMARY STATEMENT: Katie Haskin and I would like permission to host a Saturday, September 5 th , 2015 Special Columbia Pacific Farmers Market Sale. We had this sale last year during Rod Run. This year the Farmers have requested having that one time Saturday sale be held on September 5 th instead.	
RECOMMENDED ACTION: Please approve a special Saturday sale for the Columbia Pacific Farmers Market.	

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February 20th, 2015

City of Long Beach
P.O. Box 310
Long Beach, WA.98631

Dear Long Beach City Council Members,

It is with great pleasure that we invite you and a guest, to be our guests at the Loyalty Days Honor Banquet Saturday May 2nd, at the Elks Lodge in downtown Long Beach. Social Hour begins at 5:00p.m. Program will start promptly at 6:00 p.m.

The Loyalty Days Foundation will be hosting a tea at Long Beach City Hall Sunday May 3rd, 2015 at 11:00 a.m., with a short ceremony following at the reviewing stand in downtown Long Beach. Please RSVP early so that we may provide seating for you and a friend or if so desired.

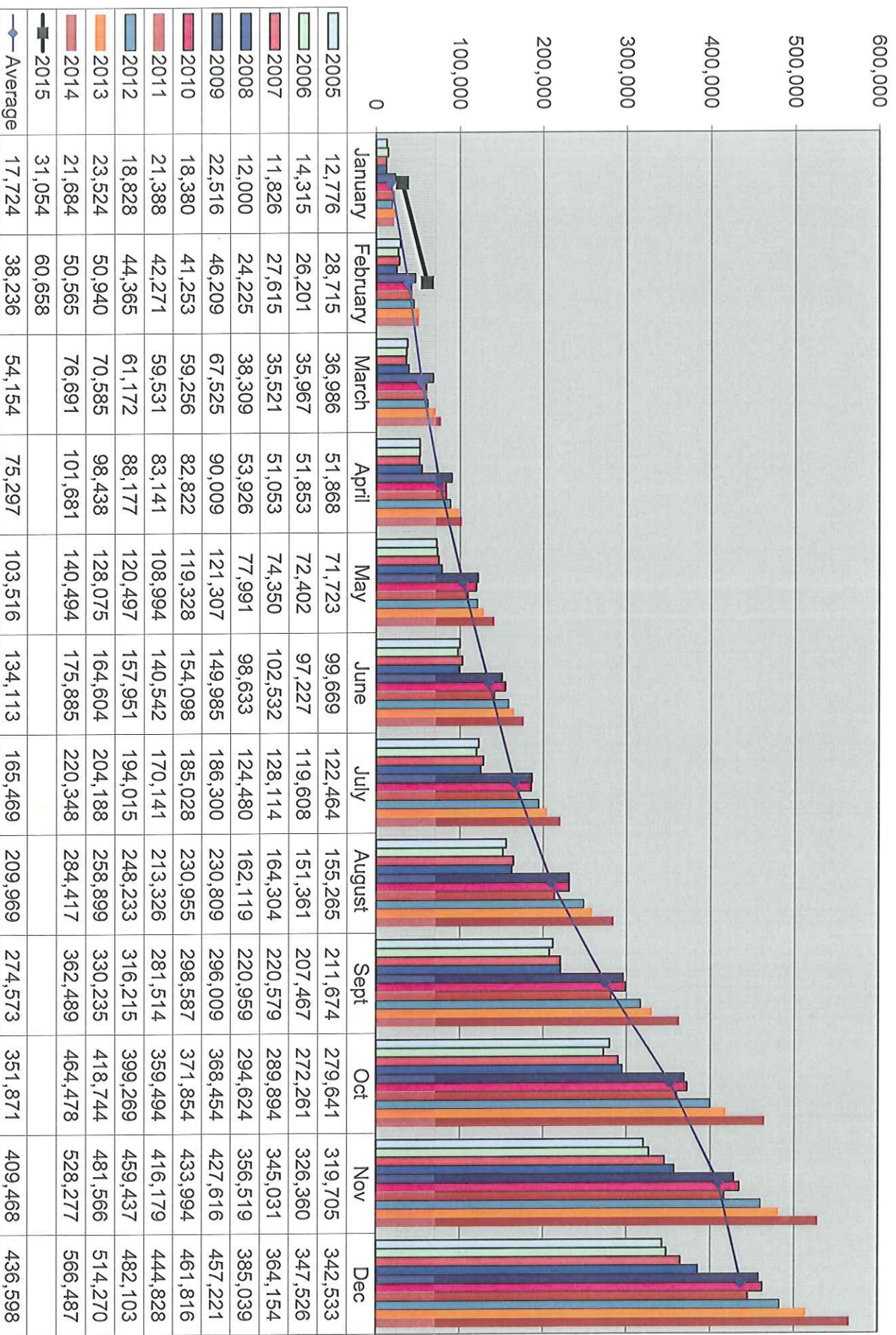
We would also like you to consider participating in the 65th, Annual Loyalty Days Parade on Sunday May 3rd, 2015 at 1:00 p.m. If you would like us to arrange a car and driver for you, please let us know early. Some of the dignitaries have parade vehicles of their own for participation in parades. We will provide attractive signage to identify you to parade spectators, for either your vehicle or ours. Please RSVP early so that we may make all arrangements for your Loyalty Days experience.

If you have any questions please feel free to contact us at you convenience. We can be reached by e-mail at bjandrew@centurytel.net any time. During the day we can be contacted at the Cottage Bakery at 1-360-642-4441, or evenings at 1-360-642-4218. You may also fax information to us at 1-360-642-8004

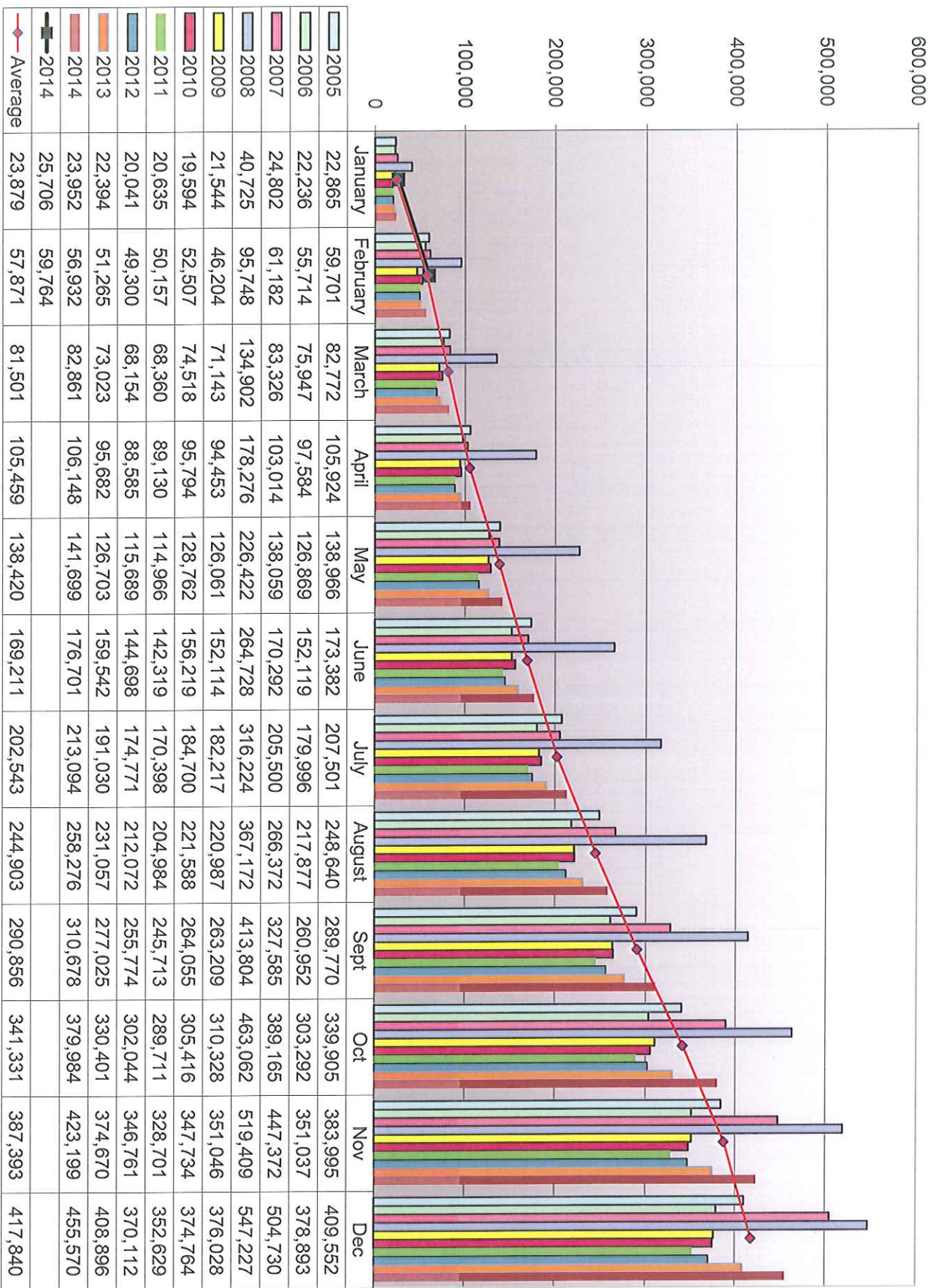
Respectfully,

Bob & Judi Andrew
Loyalty Days Foundation

Lodging Tax Collections



Sales Tax Collections





Washington State S. T. I. P.

2015 to 2018

(Project Funds to Nearest Dollar)

MPO/RTPO: SWW RTPO

N Inside

Y Outside

February 12, 2015

County: Pacific

Agency: Long Beach

Func Cis	Project Number	PIN	STP ID	Imp Type	Project Length	Environmental Type	RW Required	Begin Termini	End Termini	Total Est. Cost of Project	STP Amend. No.
00			WA-06719	28	0.000	CE	No	Various	Various	220,000	
Dune to Pond Trail											
Final design and construction of a cross-town ADA-compliant trail transporting people between and linking the boardwalk/Discovery Trail to the Culbertson Park Complex and pond.											

Funding

Phase	Start Date	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total
PE	2015		0		0	19,700	19,700
CN	2016	TAP(R)	183,347		0	10,000	193,347
CN	2017	TAP(R)	6,953		0	0	6,953
Project Totals			190,300		0	29,700	220,000

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	19,700	0	0	0	0
CN	0	193,347	6,953	0	0
Totals	19,700	193,347	6,953	0	0

Federal Funds					State Funds	Local Funds	Total
Agency Totals for Long Beach					190,300	0	29,700
							220,000

Long Beach Peninsula Visitors Bureau –Monthly Destination Marketing Report

January 2015

Web Traffic –Visits 30,713 - Unique Visitors 20,967 - Total hits 93,781 - 59% New

5 new blogs

New page for Group & Package Travel - <https://funbeach.com/group-package-travel/>

Social Media

Facebook -7,551 “likes”, mostly organic

Twitter – reached 500 followers

Consumer Direct E-news

Link to latest edition

<http://www.graphicmail.com/new/viewnewsletter2.aspx?SiteID=58657&SID=0&NewsletterID=1273472>

Nearly 14,000 subscribers

Open rate – 14% Click through rate 21% (also spike in web traffic)

Public Relations

Earned media: Modern-Day Nomads x 2 (blog by hosted writer), Washington

Filmworks e-news, Portland Monthly (digi.), Yahoo.com Thrillest, 21 Best Diners in America, Washington Filmworks Hotsheet, Sunset Magazine Editorial with images, Sunset, Best of the Coast (special edition), The Daily News, History Insider blog (about L&C event- hosted writer), USAToday.com, 10 Best Summer Beach Resorts for Winter Getaways, AAA Journey, Coast Explorer E-news, Freshwater News (cover-image).

Hosted 1 writer.

Membership

273 current members. 3 brand new members.

Renewal letter and decals (for new members) sent

Membership 1-sheet developed, designed and sent

Visitors Center

Number of visitors 918 (47 less than 2014, 344 more than 2013)

Tourism Industry Partnership & Advocacy

Attended joint executive meeting of Washington Lodging Association and Washington State Destination Marketing Association.

Print Collateral

BVP designed, produced, delivered by 12-23-14 and posted online.

Annual event calendar, designed, produced, delivered by 12-20-14 and posted online.

1-sheet translated to Mandarin 1-15-15 and posted online

https://funbeach.com/wp-content/uploads/2014/03/LBP_1PageMandarin.pdf

Hot sheet for Group & Package Travel and media outreach

Distribution

BVP- 25,200

Annual Events Calendar -15,277

Lure piece 2014 total -500

Discovery Trail Map – 4,205

Sports Venue Research

Internship description created and posted, open until 3-30-15

Other marketing and promotion

Washington State Film Commission “Featured Location of the Month”

Article/image in Washington Tourism Alliance monthly e-news

Article/image in “Tourism Today” tourism legislative update

Nomination accepted for Sunset Travel Awards “Best Beach Town” and “Best Property Remodel”

Advertising

Experience WA, digital and social media

Seattle Met, Official Seattle Visitors Guide, Portland Monthly, Washington State Travel Planner, print, digital, and social media package with Saga City

Northwest Travel, print, digital and social media

TravelGuideFree.com, print, digital, and leads program

Sunset, print, digital, leads and social media

Travelers Companion, print and social media

Oregon Coast Mile-by-Mile, print and social media

Oregon Coast, print and social media

Coast Explorer, print and social media

Visitor Origins Jan. 2015

	WK 1	WK 2	WK 3	WK 4	WK 5	WK 6	Totals	Total Visitor %
OR - Portland (970-972)	25	30	27	24	35		141	15.36%
OR - Elsewhere	2	11	2	14	8		37	4.03%
OR - Totals	27	41	29	38	43	0	178	19.39%

WA - Greater Puget Sound Area	34	47	102	60	45		288	31.37%
							0	0.00%
WA - Elsewhere	31	68	52	63	61		275	29.96%
WA - Totals	65	115	154	123	106	0	563	61.33%

OR Total	27	41	29	38	43		178	19.39%
WA Total	65	115	154	123	106	0	563	61.33%
Other States	7	10	16	14	33		80	

US Total	99	166	199	175	182	0	821	
Canada Total	2	4	8		11		25	2.72%
Foreign Total				8	2		10	1.09%
Unknown Origin	12	10	4	21	15		62	6.75%
Combined Totals	113	180	211	204	210	0	918	11%

Visitors from US

AK					2		2	AK
AL							0	AL
AR							0	AR
AZ	4		2	2	2		10	AZ
CA	2	2		4	2		10	CA
CO				2	2		4	CO
CT							0	CT
DC							0	DC
DE							0	DE
FL					2		2	FL
GA							0	GA
HI							0	HI
IA			2				2	IA
ID	1		4		2		7	ID
IL			4		2		6	IL
IN							0	IN
KS							0	KS
KY							0	KY
LA							0	LA
MA							0	MA
MD							0	MD
ME							0	ME
MI		2			2		4	MI
MN							0	MN
MO							0	MO
MS							0	MS
MT							0	MT
NC							0	NC
ND			2				2	ND
NE				2			2	NE
NH							0	NH
NJ							0	NJ
NM					8		8	NM

NV				3			3	NV
NY					2		2	NY
OH							0	OH
OK							0	OK
PA							0	PA
RI							0	RI
SC							0	SC
SD					1		1	SD
TN							0	TN
TX		4			4		8	TX
UT				1			1	UT
VA							0	VA
VT					2		2	VT
WI		2					2	WI
WV							0	WV
WY				2			2	WY
Total	7	10	16	14	33	0	80	80

Visitors from Canada

Total							0
--------------	--	--	--	--	--	--	----------

Africa				2			2	Africa
Asia							0	Asia
Australia & Oceania					2		2	Australia/Oceania
Caribbean							0	Caribbean
Central America							0	Central America
China							0	China
Eastern Europe							0	Eastern Europe
Europe				2			2	Europe
France				2			2	France
Germany				2			2	Germany
Japan							0	Japan
Middle East							0	Middle East
S.E. Asia							0	S.E. Asia
South America							0	South America
United Kingdom							0	United Kingdom
Total	0	0	0	8	2	0	10	

LONG BEACH PENINSULA VISITORS BUREAU
BOARD OF DIRECTORS MEETING MINUTES
held at Anita's Coastal Café, Ocean Park, WA
January 8th 2015

Agenda Item	Notes
Directors in Attendance	Laurie Anderson, Diane Carter, Mike Cassinelli, Guy Glenn, Karl Hintz, Connie Kobes, Michelle Layman, Gene Miles, Paul Philpot, Jim Sayce, Michelle Svendsen
Directors Absent	Susie Goldsmith, Nancy Gorshe, Sue Madsen, Thandi Rosenbaum, Tiffany Turner, Matt Winters
Staff and Consultants Present	Andi Day and Jane Sweringen from the Long Beach Peninsula Visitors Bureau.
Guests Present	Ragan Myers, City of Long Beach
Call to order	Diane Carter, President, called the meeting to order at noon. A quorum of directors was present. Introductions around the table were made.
Minutes	Minutes from the December meetings were approved, motion made by Connie Kobes and seconded by Guy Glenn. Approved by all.
Treasurers Report	<p>Nancy Gorshe has been appointed as the Treasurer from January 1 2015. As the Treasurer was not at the meeting Andi Day presented the report.</p> <p>Andi presented the budget for 2015 and asked that the Board agree to move an amount from the operating account to the contingency fund. The contingency fund should provide 3-6 months of operating costs in the event of an emergency. Also, looking ahead a new vehicle will be necessary in the near future, \$7,500 was earmarked last year. A motion to move funds from operations to the contingency fund was made by Mike Cassinelli, seconded by Laurie Anderson. Discussion followed, motion approved.</p> <p>A draft of the 2015 budget was presented to the Board to approve, no major changes, slight increase in employee expense to bring salaries more in line with industry standards and from more web maintenance work being done in house.</p> <p>A motion to accept the 2015 budget as written was made by Gene Miles, seconded by Karl Hintz and approved.</p>

Executive Committee Report	Nothing to report.
Director's Report	<ul style="list-style-type: none"> • Andi Day, Director, reported on recent meetings and projects. • Membership – 273 members at the beginning of 2015, 10 more than at the beginning of 2014. One of the major losses to numbers and revenue was Bloomer Estates, who discontinued more than half his properties. New members – Worldmark Surfside Inn, Peninsula Bunco, Forgotten Treasures, A Tranquil Retreat, Seaviewlife.com, Chinook Hatchery, Port of Chinook. • Chinook School. Andi asked that the Board Members that have not yet visited to please endeavor to do so. Contact Connie Kobes. Discussion took place on how to proceed and give input on the pre-build to suit our needs. The Board needs to drive the addition of a second Visitor Center. Board Members that have visited the school: Jim Sayce, Paul Philpot, Guy Glenn, Nancy Gorshe, Gene Miles, Susie Goldsmith and Connie Kobes. • Andi Day has been attending the Envision Ilwaco group meetings. The importance of cleaning up the intersection of 101 and Spruce has been identified as crucial for visitor engagement for the entire Peninsula. The bait shop building has been purchased and the owners have cleaned up the one corner. The Oddfellows building has been purchased by Jeff & Melissa Cutting of Chinook, the group is working with them on cleaning it up. The group is trying to contact the owners of the Doupe building. This corner needs to reflect well on the area with all the traffic that goes through to the State Park. There is going to be a town clean up day in the Spring. Let Guy Glen or Andi know if anyone has any constructive ideas for the Envision Ilwaco group. • Still working on notes from the Planning Session and the Strategic Plan.
Web Report	<ul style="list-style-type: none"> • Total of 428,973 unique visitors in 2014. Jim Sayce asked why the numbers on the agenda did not correspond with the numbers on the


	<p>statistic sheet. 2 different types of analysis have been used, moving forward both sets will be used for historical comparison.</p> <ul style="list-style-type: none"> • The Utrip link and content will improve the SEO. • Social Media – In 2014 followers increased over the previous year as follows: Facebook by 34%, Pinterest by 86%, Twitter by 52% and Instagram by 80%.
PR Report	<ul style="list-style-type: none"> • Recent press releases: Lewis & Clark Re-enactors https://funbeach.com/press/ocian-in-view-weekend-illuminates-lewis-and-clark-history-nov-7-and-8-on-washingtons-long-beach-peninsula/ Grays Harbor Seaport has changed the dates for the Lady Washington to visit. Guy Glenn will confirm the dates. 2 press visits in December.
Marketing Report	<ul style="list-style-type: none"> • 2015 Events Calendar and the Beach Vacation Planner were both completed in December and are now being distributed and available as downloadable PDFs on the web site. • We have subscribed with Utrip, an on-line itinerary planning tool with a companion app. Negotiated a guaranteed 3 year locked rate, with a 1 year commitment. This will provide us with great data, regular and detailed reports, expose us to a new audience, leverage our web presence and increase the visitor stay and spend. • Working with Ragan Myers and the City of Long Beach on Group and Package Travel. VB has created a Group and Package page on funbeach.com which will make it easier to find and be consistent with our destination marketing and brand.
Task Force Report	<ul style="list-style-type: none"> • The Bylaws Taskforce met and went over the bylaws word by word and made recommendations to update. The Board will receive the current bylaws the updated version with the changes highlighted. Please review both prior to next meeting, ready for a vote to approve.
Old Business	<ul style="list-style-type: none"> •
New Business	<ul style="list-style-type: none"> • Andi asked for 2 volunteers to make

	<p>recommendations to the Board on the possible options for a new vehicle. Gene Miles and Karl Hintz offered to advise.</p> <ul style="list-style-type: none"> • The City of Long Beach has disbanded the Marketing Committee. Andi Day met with 2 councilors, she will now report directly to the Council and provide a monthly written report to be included in the Council Meeting packet. Mike Cassinelli asked that the report also be sent to the City of Ilwaco for their information.
Board Member Updates & Announcements	<ul style="list-style-type: none"> • Guy Glenn – Crab pot tree has been taken down. Thanked the Bureau for the PR work on the tree and for the USA Today article. Gearing up for a round of political meetings on dredging funding. Expecting a strong salmon season. • Jim Sayce – the Kite Museum and Holli Kemmer is taking over responsibility for the Kite Festival from the Long Beach Merchants. Met with a Kite Boarding expert for information on Kite Boarding on the beach. Jay Personius working on a new trail in Ocean Park. The new section of the Trail to North Head is open. Asked that everyone take care when travelling on loop 100, the trucks working on the Jetty need space to maneuver. The 2015 Community Historians project commencing with several younger participants. • Mike Cassinelli – Attended the PCEM meeting, the rest of the County was hit hard by the recent bad weather, the Peninsula has done enough preventative work to not be affected. Changes to the City Administration – Ariel has been promoted to Treasurer and Holly Beller hired as City Clerk. Rick Gray is taking over as Water Plant Manager. • Ragan Myers – The new trolley is in the works, working on the paint and graphics. Hospitality training has been postponed until the trolley is available. Crab Feed on 17 January. New Lewis and Clark event, re-enactors setting up camp on Veterans Field, 17 and 18 January. Taking new tour itineraries to the New Orleans next week. • Gene Miles – Seaside has approved a new

	<p>Convention Center. This will bring more people to our area. David Glasson has been appointed City Administrator from 1st April, as Gene is retiring. Andi Day thanked Gene for his service.</p> <ul style="list-style-type: none"> • Connie Kobes – The Chinook School is used for the food bank, 60 families are served each day. The gym is being rented for the Relay for Life and several weddings. Dredging being carried out at the Port of Chinook. • Karl Hintz – Long Beach Merchants did not meet in December. New Board for 2015 – Jerry Phillips is the President. • Paul Philpot – New county brochure is ready, will bring copies to Ragan and the Visitors Bureau. • Michelle Layman – Quiet time for visitors. Meeting being held Monday with the new Board members looking for new ideas on revenue growth. Has a new vendor to revive the sale of steel sculptures. • Michelle Svendsen – North Jetty Brewing is attending the Dark Arts Festival at Fort George next month and the Brew Fest in Vancouver, WA in March. Putting in a new brew system which will triple production. Are now being distributed out of Fort George. • Laurie Anderson – Currently the Inn, Restaurant and China Beach are closed, using time for maintenance and Annual Planning. • Diane Carter –Ilwaco Merchants announcing new officers and board for 2015. The tree lighting and Tuba Christmas events were well attended. •
Guest Reports	<ul style="list-style-type: none"> • None
<ul style="list-style-type: none"> • Adjourn 	<p>There being no further business the meeting was adjourned at 1.40pm.</p> <p>Next Meeting – February 12, 2015 at noon – The Lightship Restaurant, 300 14th St. N., Long Beach (subsequently changed to February 19)</p>

City of Long Beach
Department of Community Development

Transmittal Memo

To: David Glasson
From: Gayle Borchard 
CC: file
Date: February 26, 2015
Re: Long Beach Annual Code Update
Revised Text

David, Attached is Draft 2 of the annual code amendments. I am waiting to hear from folks about several issues, but think we should plow ahead. I have highlighted in yellow what changes were made as a result of the 2/17 workshop. One comment to define "responsible official" throughout the text (like we do "director") I did not address, because it is well defined at 5-1-1(D) and the definition is "the city administrator or such other person as designated in writing by the mayor" a phrase too long to repeat throughout the text.

Regards,

Gayle Borchard
Community Development Director
City of Long Beach

1 **I. TITLE 1, ADMINISTRATION**

2
3 **1. Revise Council meeting day of the week, revise when a holiday-revised meeting**
4 **is held.**

5
6 A. Regular Meetings: The city council shall meet on the first and third ~~Wednesdays~~
7 Mondays of each calendar month, with the meetings to commence at the hour of
8 seven o'clock (7:00) P.M. Should the meeting date fall on a holiday, the meeting shall
9 take place on the following Tuesday.~~the city council may cancel or reschedule the~~
10 ~~meeting at the city council's sole discretion; notification thereof shall be in~~
11 ~~accordance to state law¹.~~ (Ord. 785, 9-20-2004)

12 Footnote 1: RCW 35A.13.170 and 42.30.080.
13

14
15
16 **2. Revise appeal language so that a party of record may appeal, not just any**
17 **person. Refer appeal to Superior Court instead of City Council.**

18
19 **1-8-3: APPEAL:**

20
21 Any ~~person~~ party of record aggrieved by the decision of the hearing examiner shall have
22 the right to appeal the decision to the ~~city council~~ Pacific County Superior Court. The
23 appeal shall be in writing and delivered to city hall within ~~fourteen (14)~~ twenty-one (21)
24 ~~[u]~~calendar days of the hearing examiner's decision. No new evidence will be accepted by
25 the Superior Court ~~city council~~. The appeal is limited to the record presented to the
26 hearing examiner. (Ord. 793, 2-16-2005)
27
28

II. TITLE 3, FINANCES AND TAXATION

1. Add provisions explaining the application for a refund.

3-10-12: OVERPAYMENT OF TAX:

A. Any person having paid any tax, original assessment, additional assessment, or corrected assessment of any tax may apply to the ~~director~~ city administrator or his/her designee within the time limitation for refund provided in this section by applying in writing for a correction of the amount paid, in which application the petitioner shall set forth the reasons the amount in which the tax, interest, or penalty should be refunded.

AB. If, upon receipt of ~~an~~ a timely application for a refund, or during an audit or examination of the taxpayer's records and tax returns, the ~~city administrator or his/her designee~~ director determines that the amount of tax, penalty, or interest paid is in excess of that properly due, the excess amount shall be credited to the taxpayer's account or shall be refunded to the taxpayer. Except as provided in subsection ~~B-C~~ of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than ~~four (4)~~ [GB: check w/ Darcey to see if this can be 3 years] years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

BC. The execution of a written waiver shall extend the time for applying for, or making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the ~~city administrator or his/her designee~~ director discovers that a refund or credit is due.

CD. Refunds shall be made by means of vouchers approved by the ~~city administrator or his/her designee~~ director and by the issuance of a city check or warrants drawn upon and payable from such funds as the city may provide.

DE. Any final judgment for which a recovery is granted by any court of competent jurisdiction for tax, penalties, interest, or costs paid by any person shall be paid in the same manner, as provided in subsection ~~E-D~~ of this section, upon the filing with the ~~city administrator or his/her designee~~ director a certified copy of the order or judgment of the court.

EF. 1. The ~~city administrator or his/her designee~~ director shall compute interest on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with Revised Code of Washington 82.32.060 as it now exists or as it may be amended; or

2. If subsection ~~E1-F.1~~ of this section is held to be invalid, then the provisions of Revised Code of Washington 82.32.060 existing at the effective date hereof shall apply. (Ord. 828, 12-17-2007, eff. 1-1-2008)

2. Correct comma placement in first paragraph; Add provisions in second paragraph allowing administrative appeal to hearing examiner for requests for refund.

3-10-16: ADMINISTRATIVE APPEAL:

Any person, except one who has failed to comply with section 3-10-7 of this chapter, aggrieved by the amount of the fee or tax determined by the director to be required under the provisions of this chapter may; pay the amount due; and appeal from such determination by filing a written notice of appeal with the hearings examiner within thirty (30) days from the date written notice of such amount was mailed to the taxpayer. A fifty dollar (\$50.00) filing fee shall be submitted with the appeal, which filing fee is required to process the appeal. The city clerk shall, as soon as practical, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The decision of the hearings examiner shall indicate the correct amount of the fee or tax owing. (Ord. 828, 12-17-2007, eff. 1-1-2008)

[NOTE FROM GB TO DARCEY: DOES THE PARAGRAPH ABOVE GET REPLACED WITH THE PARAGRAPH BELOW?]

The decision of the city administrator or his/her designee ~~director~~ on an application for refund under Section 3-10-12 shall be final unless the petitioner files written notice of appeal to the hearings examiner within ten (10) days ~~ten (10) days~~ [GB: check with Darcey] of the city administrator's or his/her designee's ~~director's~~ action. A fifty dollar (\$50.00) filing fee shall be submitted with the appeal, which filing fee is required to process the appeal. The city clerk shall, as soon as practical, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The decision of the hearings examiner shall affirm, modify, or reverse the decision of the city administrator or his/her designee ~~director~~, and the hearings examiner's decision shall be final.

3. Correct name of court where appeal should proceed.

3-10-17: JUDICIAL REVIEW:

The taxpayer or the city may obtain judicial review of the hearings examiner's ~~administrative~~ decision by applying for a writ of review with the ~~Thurston-Pacific~~ County superior court within thirty (30) days from the date of the hearings examiner's decision in accordance with the procedure set forth in chapter 7.16 Revised Code of Washington, other applicable law, and court rules. ~~Review by the superior court shall be on, and shall be limited to, the record on appeal created before the hearing examiner.~~ The city shall have the same right of review from the administrative decision as does a taxpayer. (Ord. 828, 12-17-2007, eff. 1-1-2008)

3-10-25: SUSPENSION OR REVOCATION OF BUSINESS LICENSE:

1 B. Any licensee may, within seven (7) days from the date that the suspension or
2 revocation notice was mailed to the licensee, appeal from such suspension or revocation
3 by filing a written notice of appeal setting forth the grounds therefor with the director. A
4 copy of the petition must be provided by the licensee to the director and the city attorney
5 on or before the date the petition is filed with the hearings examiner. The city clerk shall
6 set a date for hearing said appeal and notify the licensee by mail of the time and place of
7 the hearing. After the hearing thereon the hearings examiner shall, after appropriate
8 findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or
9 revocation and reinstate the license, and may impose any terms upon the continuance of
10 the license.

11
12 No suspension or revocation of a license issued pursuant to the provisions of this section
13 shall take effect until seven (7) days after the mailing of the notice thereof by the
14 department, and if appeal is taken as herein prescribed the suspension or revocation shall
15 be stayed pending final action by the hearings examiner. All licenses which are
16 suspended or revoked shall be surrendered to the city on the effective date of such
17 suspension or revocation.

18
19 The decision of the hearings examiner shall be final. The licensee and/or the department
20 may seek review of the decision by the ~~superior court of Washington in and for Thurston~~
21 ~~County-Pacific County Superior Court~~ within fourteen (14) days ~~[GB: Check with~~
22 ~~Darcey]~~ from the date of the decision. If review is sought as herein prescribed the
23 suspension or revocation shall be stayed pending final action by the superior court.
24

1 **III. TITLE 4, BUSINESS AND LICENSE REGULATIONS**

2
3 **1. Update definition of seller.**

4
5 **4-4-1: DEFINITIONS:**

6 For the purpose of this chapter, the following terms shall have the meanings ascribed to
7 them in this section:

8
9 SELLER: A single person, ~~or husband and wife married couple, or and any~~ charitable
10 organization.
11

12
13
14 **2. Remove requirements for a permit and limits on number of sales. Council**
15 ~~rejected these changes on 2/17~~

16
17 **4-4-2: PERMIT REQUIRED:**

18
19 ~~No person shall conduct a garage sale in the city without first obtaining a permit from the~~
20 ~~city clerk treasurer, which permit shall be without cost to the applicant. (Ord. 645, 9-7-~~
21 ~~1993)~~

22
23
24 **4-4-3: REGULATIONS:**

25
26 A. ~~No person shall conduct a garage sale in a manner that causes others the loss of~~
27 ~~quiet enjoyment of their property. Should the city receive complaints, the seller(s) shall~~
28 ~~modify their sales in such a manner -as to restore quiet enjoyment to those filing the~~
29 ~~complaint, or shall cease operation. [NOTE FROM GB: COULD THIS LEAD TO~~
30 ~~UNREGULATED OUTDOOR VENDING? A HOME BUSINESS?] [NOTE FROM~~
31 ~~DG: WILL THIS LEAD TO PERPETUAL GARAGE SALES?]Number Of Sales Days~~
32 ~~Limited: No person shall be allowed more than six (6) days to hold garage sales in the~~
33 ~~calendar year without first obtaining permission from the city council for such additional~~
34 ~~sales, which permission shall be given only upon good cause being shown that hardship~~
35 ~~will result if such additional sales are not allowed.~~

1 **IV. TITLE 6, POLICE AND PUBLIC SAFETY**

2
3 **1. Correct sentence erroneously left incomplete.**

4 6-5-1: PRELIMINARY STATEMENT:

5 A. This chapter shall be known as, and may be cited as, the Long Beach criminal code.

6 B. The provisions of this criminal code shall apply to any offense committed on or after
7 ~~on the date of adoption of this code.~~

8
9
10
11 **2. Correct name of court where appeal should proceed.**

12
13 6-5-4: CLASSES OF CRIMES:

14 Any offense defined by this criminal code for which a sentence of imprisonment is
15 authorized constitutes a violation of city ordinance and is a crime. Crimes are classified
16 as gross misdemeanors or misdemeanors as provided in ~~this code or in~~ each statute
17 adopted ~~by reference.~~ (2007 Code)

18 GB to Flint: Council would like to know why this does not address felonies as well.

19
20
21
22 **3. Include the type of violation committed when throwing water balloons and eggs;**
23 **should state either that it is an infraction or misdemeanor.**

24
25 6-5-10: THROWING WATER BALLOONS AND EGGS:

26 A. Prohibition: It is unlawful to throw or explode any type of water balloon or any other
27 balloon containing a liquid substance, or eggs, at any time, within one hundred feet (100')
28 of either side of Pacific Avenue from the southern right of way of Tenth Street South to
29 the northern right of way of Bolstad Avenue. (1988 Code § 8.04.030)

30 B. Violation; Penalty: Any person who violates this section ~~has committed an infraction~~
31 ~~and~~ shall be subject to penalty as provided in section 1-4-1 of this code. If the violator is
32 under the age of eighteen (18), the parents and/or guardian shall be held liable. (1988
33 Code § 8.04.050; amd. 2007 Code)

34 GB to Flint: Council wants your opinion on whether this is necessary or should stay as-is
35 or be revised.

1 **V. TITLE 10, BUILDING REGULATIONS**
2

3 **1. Add provision allowing for appeals of administrative decisions relating to the**
4 **application and interpretation of the various building codes**

5 **10-2-12: APPEALS**

6 Appeals of orders, decisions, or determinations made by the building official or fire
7 marshal relative to the application and interpretation of the City's adopted building codes,
8 set forth in Section 10-2-1, and fire code, set forth in Section 10-2-2, shall be to the
9 hearing examiner.- Those parties if record aggrieved by the decision of the building
10 official or fire marshal local administrator may appeal such decision to the hearing
11 examiner as provided in section 11-2C-14 of this code.

12
13
14
15 **2. Update the building codes adopted by reference. Add a new exception regarding**
16 **the use of felt instead of poly weather barriers in certain locations.**

17
18 **10-2-1: BUILDING CODES ADOPTED:**
19

20 The model codes listed below, as approved and adopted by the state building code
21 council except as noted, together with any amendments or additions, are hereby adopted
22 by this reference. These codes must apply to all new construction, remodeling, or repairs.
23 Copies of the codes are on file for inspection in the office of the building department of
24 the city.
25

26 A. International Building Code – Most current cycle adopted by the State of
27 Washington;
28

29 B. International Existing Building Code – Most current cycle adopted by the State of
30 Washington;
31

32 C. International Residential Code – Most current cycle adopted by the State of
33 Washington, with the following exceptions;

- 34 1. For multi-family residential structures of five (5) or more dwelling units,
35 automatic fire sprinkling systems are required;
36 2. Any structure located west of State Route 103 (also identified as Pacific
37 Highway or Pacific Avenue), or in areas of exposure category C or D, shall use
38 asphalt felt as the water-resistive barrier. Products that incorporate asphalt felt as
39 a component layer of protection will be subject to approval by the Long Beach
40 building inspector.
41

- 1 D. International Mechanical Code – Most current cycle adopted by the State of
2 Washington;
3
4 E. Uniform Plumbing Code – Most current cycle adopted by the State of Washington;
5
6 F. Liquefied Petroleum Gas Code (NFPA 54) for LP Gas – Most current cycle adopted
7 by the State of Washington;
8
9 G. Uniform Housing Code 1997, adopted by the City independently of the Washington
10 State Building Code Council;
11
12 H. Uniform Swimming Pool, Spa, and Hot Tub Code 2006;
13
14 I. International Property Maintenance Code 2009, adopted by the city independently of
15 the Washington state building code council;
16
17 J. Washington state barrier fee regulations;
18
19 K. National Electrical Code (NFPA 70) – Most current edition as adopted by the State of
20 Washington;
21
22 L. IECC/Washington State Energy Code – Most current cycle adopted by the State of
23 Washington;
24
25 M. Washington State Historic Building Code – Most current cycle adopted by the State
26 of Washington; and
27
28 N. Washington State Ventilation and Indoor Air Quality Code. (Ord. 889, 4-13-2013)
29
-

30
31
32 **3. Update date of adopted International Fire Code.**
33

34 **10-2-2: FIRE CODE:**
35

- 36 A. International Fire Code Adopted: The most current cycle adopted by the State of
37 Washington 2012-international fire code is hereby adopted in its entirety for the
38 purpose of describing regulations governing conditions hazardous to life and
39 property, fire, or explosion.
40

- 41 1. The city does not adopt section 903.2.8: Group R requiring automatic sprinkler
42 systems in all residential dwellings in its entirety. The city does not require such
43 systems in residential buildings of four (4) or fewer dwelling units.
44

- 45 B. Applicability:
46

- 1 1. The provisions of this section shall apply to all buildings constructed or developed
2 within the city limits, when the buildings will be served by water mains and fire
3 hydrants capable of delivering the required fire flow and installed as required by
4 this section, unless specifically exempted by this section, or unless waived or
5 modified by the fire marshal.
6
 - 7 2. Decisions of the fire marshal are deemed to be made in the best interest of, and
8 with the concurrence of, an affected fire district in the absence of any credible
9 evidence to the contrary. (Ord. 889, 4-13-2013)
-

10-2-4: BUILDING PERMITS AND FEES:

A. Permit Requirements:

- 17 1. Permit Required: No building or other structure may be erected, moved, added to,
18 or structurally altered without a permit issued by the building official. No building
19 permit may be issued except in conformity with the provisions of this title.
20
- 21 2. Application ~~a~~And Accompanying Documents: All applications for building
22 permits must be accompanied by plans in duplicate, drawn to scale, showing the
23 actual dimensions and shape of the lot to be built upon; the exact sizes and
24 location of existing buildings on the lot, if any; and the location and dimensions
25 of the proposed building or alteration. The application must include such other
26 information as lawfully may be required by the building official, including
27 existing or proposed building or alteration; existing or proposed uses of the
28 building and land; the number of families, housekeeping units, or rental units the
29 building is designed to accommodate; conditions existing on the lot; and such
30 other matters as may be necessary to determine conformance with, and provide
31 for the enforcement of, this title.
32
- 33 3. Plans Required: One copy of the plans will be returned to the applicant by the
34 building official after marking such copy approved or disapproved and attest to
35 same by having signed such copy. The second copy of the plans will be retained
36 by the building official.
37
- 38 4. Time Limit To Begin Work: If work described in any building permit has not
39 begun within one hundred eighty (180) days from the date of issuance of the
40 permit, the permit will expire, unless an extension(s) has been granted in writing
41 by the building official for periods no more than one hundred eighty (180) days
42 each. The permit will be canceled by the building official, and written notice must
43 be given to the applicant. (Ord. 847, 8-17-2009)
44

45 B. Building Permit Fees: 46

- 1
2 1. The city hereby adopts by reference building permit fees, which are set forth in
3 table 1-A of the 1997 uniform building code as amended and the building
4 valuation data schedule as published in the most current "Building Safety Journal"
5 of the International Code Council and are on file for inspection in the building
6 department at the Long Beach city hall. Values of structures not listed in the
7 schedule herein will be determined by a bid from a licensed contractor. Permit
8 fees for work other than new construction and additions or not otherwise listed,
9 including, but not limited to, alterations, remodeling, mechanical permits and
10 demolition, shall be established by resolution of the city council.

11
12 a. All valuations that are less than \$5,000.00 will be doubled for the purpose of
13 calculating permit fees.

- 14
15 2. Additionally, the fees for manufactured house placement are as follows:
16

Singlewide	\$250.00
Doublewide	350.00
Triplewide	450.00

- 17
18 3. Once an application is made and fee paid, an applicant may withdraw the
19 application. If at the time of withdrawal plan review is not yet initiated, the city
20 may refund up to fifty percent (50%) of the building permit fee. Once plan review
21 is initiated, the city will retain the entire fee and refund shall not occur. (Ord. 868,
22 4-4-2011)

- 23
24 4. In accordance with Section 109.4 of the International Building Code, all work
25 commencing before issuance of a building permit will result in a monetary fee of
26 100% of the building permit fee in addition to the permit fee^[u2].

- 27
28 C. Water and Sewer Connection: No building permits for primary use structures shall be
29 issued without the applicant having first paid water and sewer connection fees and
30 secured a side sewer permit. (Ord. 847, 8-17-2009)
31
32
33
34
-

1 **5. Staff is waiting on input from FEMA to make revisions consistent with the new**
2 **maps. FEMA is actually conducting that review for us.**

3

4 **10-4 FLOOD PROTECTION**

5

6

1 **VI. TITLE 11, UNIFIED DEVELOPMENT REGULATIONS**

2
3 **1. Revise multiple areas of code to remove appeal authority from City Council and**
4 **add it to either the hearing examiner or the PacCo Superior Court.**

5
6 **11-2A-1: CITY COUNCIL:** In addition to other powers and duties prescribed in this code,
7 the city council is vested with the authority to:

- 8
9 A. Approve, approve with conditions or modifications, or deny applications for
10 amendments to the comprehensive plan or this title, amendments to title 12
11 (Zoning), rezones, and annexation by direct petition, after considering the
12 findings and recommendations of the planning commission.
13
14 B. Review findings and recommendations of the planning commission regarding
15 applications.
16
17 C. Base all decisions on the criteria established in this title or other applicable laws.
18
19 D. Require any applicant granted final plat approval to post a bond or other
20 acceptable security with the city to assure the applicant and/or his successors in
21 interest shall adhere to the approved plat and all conditions attached to the final
22 plat approval.
23
24 E. Review and act upon any recommendations of the community development
25 director or planning commission for amendments to or revisions of the
26 comprehensive plan or the provisions of this title.
27
28 ~~F. Hear appeals from hearing examiner and/or administrative permit decisions as~~
29 ~~specified in this title.~~
30
31 FG. Perform other duties as outlined in the latest edition of the "City of Long Beach
32 Shoreline Master Program" and the latest edition of the "City of Long Beach
33 Comprehensive Flood Hazard Management Plan".
34
35 GH. Perform other duties as outlined in this title.

36
37
38 **11-2C-4: PROJECT REVIEW PROCEDURES:** The Community Development
39 Director shall have authority to classify any permit not expressly classified or indicated
40 by this title. Review of a proposed action shall be by one of the following procedures, in
41 increasing order of discretion utilized: minor administrative (ministerial), administrative,
42 hearing examiner, or legislative.

- 43
44 D. Legislative review shall be conducted in those circumstances where the city
45 council is exercising its authority as a quasi-judicial decision-making body for
46 actions including and not limited to ~~appeals of hearing examiner decisions,~~ final

1 plats, changes to codes, and re-zonings. Substantial to complete discretion may be
2 exercised by the city council as reviewer. Legislative review shall be subject to all
3 permit processing procedures described in subsection 11-2C-3A of this title.
4
5

6 **11-2C-14: APPEALS:**

7 D. Administrative Decisions. An aggrieved person who is a party of record may
8 appeal any final decision of an administrative official to the hearing examiner
9 ~~(except for administrative design review decisions appealed to the city council~~
10 ~~under section 12-10-8 of title 12 [Zoning])~~. The appeal must be in writing in
11 accordance with this title and shall be filed with the city clerk within fourteen (14)
12 days of the date of the action being appealed. If an open record public hearing was
13 not held as part of the administrative approval, then the hearing examiner shall
14 conduct an open record hearing. Otherwise, the appeal to the hearing examiner
15 shall be a closed record appeal.
16

17 ~~1. When an appeal of an administrative design review decision is made subject~~
18 ~~to procedures of section 12-10-8 of title 12 (Zoning), the city council shall request~~
19 ~~a recommendation from the planning commission before taking action.~~
20

21 E. Planning Commission Decisions. An aggrieved person who is a party of record
22 may appeal a planning commission decision to the ~~hearing examiner city council~~.
23 The appeal must be in writing in accordance with this Title and shall be filed with
24 the city clerk within fourteen (14) days of the date of the action being appealed. If
25 an open record public hearing was not held as part of the planning commission
26 decision, then the ~~hearing examiner city council~~ shall conduct an open record
27 hearing. Otherwise, the appeal to ~~the the hearing examiner city council~~ shall be a
28 closed record appeal.
29

30 F. Hearing Examiner Decisions. An aggrieved person who is a party of record may
31 appeal a hearing examiner decision to the ~~Pacific County Superior Court~~^[u3] ~~city or~~
32 ~~to the appropriate Shorelines Hearings Board or Growth Management Hearings~~
33 ~~Board council, if the examiner's decision is not a "final action"~~. The appeal must
34 be in writing in accordance with this title and shall be filed with the city clerk
35 within ~~fourteen (14)~~^[u4] ~~twenty-one (21)~~ days of the date of the action being
36 appealed. If an open record public hearing was not held as part of the hearing
37 examiner decision, then the ~~Pacific County Superior Court city council~~ shall
38 conduct an open record hearing. Otherwise, the appeal ~~proceeding of the to the~~
39 ~~Pacific County Superior Court city council~~ shall be a closed record appeal. In the
40 case of appeals from Administrative Decisions, all decisions under the Shorelines
41 Management Act, and any other decision of the hearing examiner that is
42 designated in the Long Beach Municipal Code as a final action, the appeal is to:
43

44 1. Pacific County Superior Court if it is subject to the Land Use Petition Act
45 (RCW 36.70C);
46

2. The Shorelines Hearings Board if it is a Shorelines Management Act decision;
or

3. To the appropriate Growth Management Hearings Board if it is an action
subject to the Growth Management Act (RCW 36.70A).

11-4C-10: APPEALS: The decision of the hearing examiner on the preliminary plat may
be appealed to the Pacific County Superior Court ~~city council~~ in accordance with section
11-2C-14 of this title.

**2. In combination with the suggested changes for Title 12 to eliminate the Council's
quasi-judicial authority to grant an exception or exemption to the City's design
requirements, this new provision would still provide a process for obtaining a
variance from those design requirements, which is consistent with the process for
obtaining variances from other building code provisions.**

11-2D-1: VARIANCES:

B. Required Showings, Title 12 Variances: Before any variance may be granted, it shall
be shown:

1. Strict application of the bulk, dimensional or performance standards set forth in
this title precludes or significantly interferes with a reasonable use of the property
not otherwise prohibited.

2. Need for the variance is directly related to the property, and is the result of
unique conditions such as irregular lot shape, size, or natural features and the
application of the zoning regulations and not, for example, from deed restrictions
or the applicant's own actions.

3. The design of the project is compatible with other permitted activities in the
area and will not cause adverse effects to adjacent properties.

4. The requested variance does not constitute a grant of special privilege not
enjoyed by other properties in the area, and is the minimum necessary to afford
relief.

5. The public interest will not suffer any substantial detrimental effect.

6. To grant a variance from the city's design requirements in Title 12, Chapter 10
for additions or modifications to existing nonresidential buildings that do not
conform to the design requirements, the hearing examiner must also take the
following into consideration:

1 a. The hearing examiner must make an affirmative finding that a strict
2 enforcement of the design requirements would result in a building
3 appearance or site condition substantially incompatible with the existing
4 building.

5 b. No variance from the city's design requirements shall be granted to any
6 nonconforming use.

7 c. No variance from the city's design requirements shall be granted to any
8 structure that is in violation of any bulk, density, or setback standard.

9 d. No variance from the city's design requirements shall be granted for
10 accessory structures on a single property.

11 e. Any proposed addition shall contain at least one common wall to the
12 existing structure.

13 ~~f.7.~~ No variance from the city's design requirements shall be granted if:

14 ~~a.1.~~ For buildings with an existing floor of one thousand (1,000) square
15 feet or less, the addition exceeds five hundred (500) square feet; or

16 ~~b.2.~~ For buildings with an existing floor area greater than one thousand
17 (1,000) square feet, the proposed addition is greater than fifty percent
18 (50%) of the existing building.

22 **3. Add definition of vesting.**

24 **11-1-7: INTERPRETATION:**

26 D. Definitions: Unless specifically defined below, words or phrases used in this title
27 shall be interpreted so as to give them the meanings they have in common usage and to
28 give this title its most reasonable application. For purposes of this title, the following
29 words and terms shall have the meanings designated in this section:

31 **VESTING:** A land use application is considered under only the land use statutes and
32 ordinances in effect at the time the city deems the application complete.

37 **4. Add language describing vesting.**

39 **11-11-11: VESTING OF APPLICATIONS:**

- 1 A. This section applies in the context of building permit applications (RCW 19.27.095),
2 short subdivision and subdivision applications (RCW 58.17.033), development
3 applications, and development agreements (RCW 36.70B.180). [u5]
- 4 B. An application described herein utilizing vested rights shall be subject to all land use
5 and development statutes, regulations, and ordinances in effect on the vesting date.
- 6 AC. Applications shall be considered vested on the date a written determination of
7 completeness is mailed (postmarked) or hand delivered to the applicant or the
8 applicant's designee. The community development director's issuance of a written
9 determination of completeness pursuant to 11-2C-8, or the failure of the community
10 development director to provide such a written notice within twenty-eight (28) days
11 of the date it is mailed or hand delivered, shall cause an application to be conclusively
12 deemed vested.- The applicable date is known as the vesting date.
- 13 BD. Supplemental information required after vesting of a complete application shall
14 not affect the validity of vesting for such application unless the information is
15 requested because incorrect information is submitted by the applicant and-if the
16 incorrect information would materially affect the final decision on the application.
- 17 CE. Modifications required by the community development director to a pending
18 application, other than those set forth in subsection D of this section, shall not be
19 deemed a new application and shall not affect vesting.
- 20 DF. An applicant-requested modification occurring either before or after issuance of
21 the permit shall eliminate vesting, when such modification would result in a
22 substantial change in a project's review requirements, as determined by the
23 community development director. Under such a condition, the application will be
24 deemed a new application. Examples of a substantial change include modifications
25 resulting in a different type of decision (e.g., Administrative to Hearing Examiner), or
26 a change requiring a new SEPA threshold determination. Modifications that reduce
27 the scope of a proposal or reduce environmental impacts would not be considered a
28 substantial change.
- 29 G An application that is deemed complete is vested for the specific use, density, and
30 physical development that is identified in the application submittal.
- 31 EH. Building permits that may subsequently be required to construct or complete a
32 vested land use project shall be considered new applications under the building code
33 and shall be subject to the edition of the building code in place at the time application
34 is made.
- 35 FI. Nothing herein shall restrict the community development director's authority to
36 impose conditions on project permits pursuant to the State Environmental Policy Act
37 (SEPA), Chapter 43.21C RCW and Chapter 197-11 WAC.
- 38 GJ. Nothing herein shall be construed to restrict the community development director's
39 ability, to the extent otherwise permitted by law, to apply new regulations to a project
40 permit or project permit application upon a finding that a change in conditions creates
41 a serious threat to the public health and safety.
- 42 K. If the application expires, a new application may be filed with the city but will not be
43 considered vested under the expired application and instead shall be subject to the
44 development regulations in effect on the date of the new application.
- 45

1 **VII. TITLE 12, ZONING REGULATIONS**

- 2
3 **1. Protect Council from being the primary decision-makers for quasi-judicial**
4 **actions. This is at the advice of WCIA based on a recent land-use audit. One**
5 **Councilor has asked if this should be expanded to include residential as well.**
6 **This is probably a good issue for discussion.**
7

8 **12-10-3: DESIGN APPROVAL REQUIRED:**
9

10 ~~E. — Exceptions: The city council may, at its sole discretion, grant an exception to the~~
11 ~~city's design requirements for additions or modifications to existing nonresidential~~
12 ~~buildings that do not conform to the design requirements. Such an exception will~~
13 ~~be approved upon an affirmative finding that a strict enforcement of said~~
14 ~~requirements would result in a building appearance or site condition substantially~~
15 ~~incompatible with the existing building. In considering any request for exception,~~
16 ~~the city council shall apply the following standards:~~
17

18 ~~1. No exception shall be granted to any nonconforming use.~~
19

20 ~~2. No exception shall be granted to any structure that is in violation of any bulk,~~
21 ~~density, or setback standard.~~
22

23 ~~3. No exception shall be granted if:~~
24

25 ~~a. For buildings with an existing floor of one thousand (1,000) square feet or~~
26 ~~less, the addition exceeds five hundred (500) square feet; or~~
27

28 ~~b. For buildings with an existing floor area greater than one thousand (1,000)~~
29 ~~square feet, the proposed addition is greater than fifty percent (50%) of the~~
30 ~~existing building.~~
31

32 ~~4. No property shall receive more than one exception in a calendar year.~~
33

34 ~~12-10-9: EXEMPTIONS:~~

35 ~~The city council may, at its sole discretion, grant an exemption to the city's design~~
36 ~~requirements for additions or modifications to existing nonresidential buildings that do~~
37 ~~not conform to the design requirements. Such an exemption will be approved upon an~~
38 ~~affirmative finding that a strict enforcement of said requirements would result in a~~
39 ~~building appearance or site condition substantially incompatible with the existing~~
40 ~~building. In considering any request for exemption, the city council shall apply the~~
41 ~~following standards:~~

42 ~~A. No exemption shall be granted to any nonconforming use.~~

~~B. No exemption shall be granted to any structure that is in violation of any bulk, density, or setback standard.~~

~~C. No exemption shall be granted if:~~

~~1. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or~~

~~2. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.~~

~~D. No property shall receive more than one exemption.~~

~~E. No exemption shall be granted for accessory structures on a single property.~~

~~F. The addition shall contain at least one common wall to the existing structure. (Ord. 849, 8-17-2009)~~

2. Correct bad reference regarding appeals.

12-3-4: APPEALS: Appeals of all decisions pertaining to this title are governed by the provisions of section 11-2C-~~13~~14 of title 11, Unified Development, of the Long Beach City Code.

3. Revise language about appeals to be consistent with new language in Title 11.

12-10-8: APPEAL: The decision of the approving authority shall be final unless, within fourteen (14) days from the rendering of the decision, the applicant or any other party with standing files an appeal. Appeals of any administrative or planning commission decision shall be made to the ~~city council~~hearing examiner and shall be an open record hearing. Appeals of any hearing examiner ~~city council~~ decision shall be made to Pacific County Superior Court. Appeals shall be conducted pursuant to the procedures set forth in section 12-3-4 of this title and section 11-2C-14 of title 11 (Unified Development). ^[u6]The filing of such an appeal within said time limit shall stay the decision of the city until such time as the appeal has been adjudicated or withdrawn. ~~When any appeal of an administrative decision is made, the city council shall request a recommendation from the planning commission before taking action.~~

1 **4. Add definition of “camping” to code.**

2
3 12-2-1: TERMS DEFINED:

4
5 **CAMPING:** A temporary activity of living in a camp, campground, or vehicle. Erecting
6 a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will
7 permit remaining overnight, or parking a trailer, camper, RV, or other vehicle for the
8 purpose of remaining overnight.
9

10
11
12 **5. Define camping, prohibit camping in public areas; explicitly include camping in**
13 **the RV section.**

14
15 **12-11-5: RECREATIONAL VEHICLES AND EQUIPMENT, CAMPING:**

16
17 B. Camping and Use of RVs: No person shall park and occupy a recreational vehicle
18 (RV) nor shall camp, except:

19
20 1. At a duly licensed RV park or campground.

21
22 2. As a guest of a resident, and then only upon private property, and for a period
23 not to exceed fifteen (15) continuous days, or thirty (30) days total in a calendar
24 year.

25
26 3. On private property by the owner for his own use, but not to exceed sixty (60)
27 days in a calendar year. An RV stored on an otherwise vacant lot shall be
28 considered occupied for purposes of this section. An RV connected to water
29 and/or sewer shall also be considered occupied.

30
31 4. No more than two (2) RVs may be used on a lot that is not an RV park. Such
32 RVs may be placed upon a lot for not more than sixty (60) days' total use per year.
33 Each day of use of each RV shall be counted as a day of use. Parking and use of
34 more than two (2) RVs on a lot may be permitted by the city council upon an
35 application to the city council for a special use permit.

36
37 5. Occupancy of a trailer or other recreational equipment not designed to be
38 temporary living accommodations is not permitted. Occupancy of a boat regardless
39 of whether such vessel contains living accommodations is not permitted.

40
41 6. Occupancy of an RV as a manager's unit shall only be permitted in a licensed
42 RV park or campground, ~~or in the C2 or LI zones, subject to approval by the~~
43 ~~reviewing authority.~~

44
45 7 Parking of all vehicles at a site, including one or more RVs must comport to the
46 requirements of Chapter 12 of this title.

1
2 C. Camping on Public Property. It is unlawful for any person to camp on any City-
3 owned or City-controlled property, any public park, or any public right-of-way.
4

5
6
7 **6. Revise definition of “RV Park”.**
8

9 **12-2-1: TERMS DEFINED:**
10

11 **RECREATIONAL VEHICLE PARK:** Any lot or parcel on which two (2) or more sites
12 are located, established or maintained for itinerant, short-term or long-term occupancy by
13 recreational vehicles or for their storage for a fee ~~as temporary living quarters for recreation~~
14 ~~or vacation purposes~~. Each non-storage site shall include individual connections for
15 electricity and sanitary services. A recreational vehicle park may also include amenities for
16 the use of the occupants, including but not limited to laundry, showers, game room,
17 recreation, or restaurant.
18

19
20
21 **7. Better define the elements and allowable sub-uses of an RV park.**
22

23 **12-11-19: RECREATIONAL VEHICLE PARKS; REQUIREMENTS:**
24

25 A. License Required: No person shall operate a recreational vehicle (RV) park within the
26 corporate limits of the city without first obtaining a business license as required by
27 title 4 (Business and License Regulations), and any necessary approvals required by
28 the zone district in which the property is located, including a conditional use permit
29 and design review.
30

31 **B. Allowable Uses and Use Allocation**

- 32 1. An RV park may include itinerant, short-term, and long term spaces, as well as
33 storage areas as follows:
34 1a. Itinerant spaces (30 days or less): up to 100% of total spaces; a minimum of
35 50%.
36 1b. Short-term spaces (more than 30 days and less than 4 months): a maximum of
37 50% of total spaces.
38 1c. Long-term spaces (more than 4 months): a maximum of 25% of total spaces.
39 1d. Storage (unoccupied): a maximum of 25% of total spaces.
40 2. Non-conforming Use Allocation. Any non-conforming allocation existing at the
41 time of passage of this ordinance shall be corrected the next time a non-
42 conforming space is occupied. No new non-conforming uses shall be allowed.
43 3. Sunset Date for Existing Non-conforming Use Allocation. Notwithstanding other
44 sections of this code, all existing RV parks shall be made to conform to the
45 allowable use allocation no later than December 31, 2020.
46

1 C. Prohibition on Subletting: The renter(s) of an RV space may not sublet that space to
2 another party.

3
4 D. All RVs located in an RV park must be roadworthy and have current vehicles license
5 plates.

6 1. Under no circumstances will an RV be allowed to be placed on blocks.
7

8 EB. Recreational or Open Space Development:
9

- 10 1. RV parks with an area of ten (10) acres or less shall be required to develop a
11 minimum of ten percent (10%) of the total area for recreational or open space
12 purposes.
13
- 14 2. RV parks with an area greater than ten (10) acres shall be required to develop a
15 minimum of twenty percent (20%) of the total area for recreational or open space
16 purposes.
17
- 18 3. The required open space may include amenities for the use of guests, such as
19 recreational facilities and picnic areas. It shall not include the area within the
20 individual RV spaces.
21

22 EC. Off Street Parking: Parking shall be provided as required by chapter 12 of this title.
23

24 GD. Ingress and Egress:
25

- 26 1. Driveways for ingress and egress shall comply with the requirements of section
27 11-5-1(D) of title 11 (Unified Development) and with the requirements of
28 subsection D3 of section 12-12-2 of this title.
29
- 30 2. Street access shall be limited to driveways serving the entire RV park. All access
31 to individual RV spaces shall be from within the property. The access of an RV
32 space directly from the street shall be prohibited.
33

34 HE. Interior Circulation and Driveways:
35

- 36 1. Interior driveways shall have a width of not less than fifteen feet (15') for a one-
37 way drive and not less than twenty feet (20') for a two-way drive, exclusive of on-
38 site parking.
39
- 40 2. Driveways and parking surfaces within the park and RV parking sites shall be
41 properly surfaced with gravel or asphalt.
42

43 IF. Landscaping: Landscaping shall be provided as required by chapter 13 of this title.
44 Landscaping shall be provided around the perimeter of the site, to provide screening
45 from the street and adjacent properties and to beautify the park.
46

1 1. Wherever possible, existing tree cover and natural vegetation shall be maintained.

2
3 2. There shall be one (1) tree for every ten (10) RV spaces.

4
5 3. Any RV park that has more than 10% long-term spaces shall provide a fenced
6 area for children to play that is a minimum of 500 square feet, subject to approval
7 by the community development director.

8
9 JG. Fences: Fences may be incorporated into the landscaping design. Chain link fences
10 shall not be used on the perimeter of the site, unless approved by the reviewing
11 authority.

12
13 KH. Sanitary Facilities: Sanitary facilities and sewer connections shall be provided as
14 required by section 10-2-3 of title 10 (Building Regulations).

15
16
17
18 **8. Prohibit the enlargement or expansion of a nonconforming use. Currently, the**
19 **code only prohibits the enlargement or expansion of a nonconforming structure**
20 **and prohibits change in a nonconforming use. Common law indicates that courts**
21 **may perceive a change in use to be different from an enlargement or expansion.**

22 12-16-5: EXPANSION OR ALTERATION:

23 No existing nonconforming structure may be enlarged, expanded in use or reconstructed,
24 except to a conforming use in the district. Ordinary maintenance and repair work may be
25 done in nonconforming uses. (Ord. 849, 8-17-2009)

26
27 **No existing nonconforming use activity shall be expanded, enlarged, or altered unless the**
28 **expansion, enlargement, or alteration makes the use more conforming or is required**
29 **by law.**

30
31
32
33 **9. Added at Council request at 2/17 workshop: add all commercially located sheds to**
34 **design review.**

35
36 **12-10-2: SCOPE**

37
38 **B. Activities exempt from Design Review: The following activities shall be exempt**
39 **from the requirements of design review:**

40
41 **1. Normal maintenance and repair shall be exempt from the requirements of**
42 **design review, where there is no change to the exterior appearance of the structure.**
43

1 2. The replacement of fifty percent (50%) or less of a non-conforming siding
2 material on any single facade shall be considered maintenance. The replacement of
3 more than fifty percent (50%) of the exterior siding material on a single facade shall
4 be considered an alteration and shall comply with the requirements of this chapter
5 including article A.

6
7 3. Minor adjustments to dimensions such as railing height or stairs, where
8 necessary to comply with the building code, shall be considered maintenance,
9 provided the design of the replacement feature is otherwise identical to the feature
10 being repaired, and the change is no more than necessary to correct the deficiency.

11
12 4. In zones (R1, R1R, R2, R3, R3R, S1 and S2) One accessory building with a
13 gross floor area of one hundred twenty (120) square feet or less may be placed on
14 a lot without meeting the requirements of this chapter, including Article A,
15 provided the structure is placed in the rear of the lot behind the principal building.
16 Additional accessory buildings located in these residential zones, regardless of size
17 and location, shall be subject to all requirements of this chapter. This exemption
18 does not apply to accessory structures located in zones OT, OTW, RC, AC, C1, C2,
19 L1, S3, S3R, S3M, P, PR, or S4.
20
21

1 **VIII. TITLE 13, CRITICAL AREAS**

- 2
- 3 **1. Allow for maintenance of private property in wetlands and buffers, if no net loss.**
- 4 **Allow people to maintain their property if it includes wetlands.**
- 5

6 **13-3-9: EXEMPTIONS:** The following developments, activities, or associated uses are

7 exempt from provisions of this title, provided they are consistent with provisions of other

8 applicable local, state, and federal laws and requirements:

- 9 B. **Vegetation management** that is part of ongoing maintenance of uses, facilities,
- 10 infrastructure, public rights-of-way, or utilities, provided the vegetation management
- 11 activity does not expand further into the critical area or its buffer is exempt.
- 12
- 13

1 **IX. TITLE 14, ENFORCEMENT**

2
3 1. Insert language requiring site access to be obtained from Superior Court.

4
5 **14-3-2: ENFORCEMENT METHOD NO. 2: NOTICE OF VIOLATION AND**
6 **ABATEMENT:**

7
8 B. The Notice of Violation and Abatement shall contain the following:

9
10 1. Statement that if the responsible party to whom the Notice of Violation and
11 Abatement is issued fails to submit a Notice of Appeal within fourteen (14)
12 calendar days of issuance or fails to voluntarily abate the nuisance within the time
13 specified in the Notice of Violation and Abatement, the City may abate the
14 nuisance upon issuance of an abatement order or other written permission to
15 access the site for purposes of abatement from the Pacific County Superior Court;
16

17
18 **14-3-3: ENFORCEMENT METHOD NO. 3: NOTICE OF VIOLATION, CIVIL**
19 **PENALTY AND NOTICE THEREOF, ABATEMENT:**

20
21 B. The Notice of Violation shall contain the following:

22
23 6. Statement that abatement procedures, as described in this chapter, may be
24 implemented if civil penalties reach more than \$1,000 upon issuance of an
25 abatement order or other written permission to access the site for purposes of
26 abatement from the Pacific County Superior Court;
27

28
29 **14-5-1: ABATEMENT PROCESS:**

30
31 A. Access. ~~Using any lawful means~~ Upon receiving an abatement order or other
32 written permission to access the subject property from the Pacific County
33 Superior Court, the City may enter upon the subject property or premises and may
34 remove or correct the condition that is subject to abatement. If the owner of the
35 premises does not consent to entry, the City may seek such judicial process as it
36 deems necessary to effect the removal or correction of such condition.
37

MEMORANDUM TO THE CITY OF LONG BEACH

To: Gayle Borchard, Planning Director
FROM: Darcey Eilers, Attorney
DATE: Thursday, January 29, 2015
RE: Title 5 Code Review

You asked me to review the City of Long Beach's code. The following are my recommendations for amending Title 5, all of which relate to Chapter 1 regarding the SEPA rules. I did not find anything in the remaining chapters of Title 5 that I would recommend changing at this time.

Title 5, Chapter 1 contains a number of references to Washington Administrative Code (WAC) 173, which sets forth the SEPA regulations specifically applicable to the Department of Ecology. To begin, the Model SEPA Ordinance in chapter 173-806 WAC has been repealed, although the Department of Ecology has made it available as "guidance" rather than as a rule. Because WAC 173-806 no longer exists, references to this section are inadequate. Instead, the applicable WACs for the City are contained in WAC 197, which sets forth the generally applicable SEPA rules. I recommend that this chapter be amended to remove most references to WAC 173 and instead reference the applicable section from WAC 197 where necessary or desired.

Here are more specific recommendations. First, in Section 5-1-1(G), regarding time limits for the SEPA process, I would recommend stating something to the effect that the time estimates contained in this section shall not be construed to be mandatory.

Second, the City code currently has Section 5-1-2 on categorical exemptions and then also has Section 5-1-8, similarly regarding categorical exemptions. To reduce confusion and for ease of reference, I suggest that these sections be combined.

Third, I am unsure why the City did not adopt by reference WAC 197-11-440, regarding "EIS Contents," when it adopted a number of other related EIS provisions by reference in Section 5-1-3. Similarly, it is not clear why the City did not adopt by reference WAC 197-11-736, defining "determination of significance (DS)", and 197-11-772, defining "NEPA," when it adopted number of other definitions by reference in Section 5-1-7.

Fourth, the provision on severability is buried in Section 5-1-9 on agency compliance. Because this severability clause seems to stand alone, I recommend that it be given its own separate section.

On a larger scale note, it appears that updates have not been made following the 2014 amendments to the SEPA rules. Of particular interest, these amendments increased the flexible thresholds that local governments may adopt to exempt minor new construction projects from SEPA review, increased the threshold for electric facilities, and improved the efficiency of the environmental checklist. If the City desires to raise these flexible thresholds to the new maximum levels, the SEPA Rules now require certain types of

findings in the ordinance, and the City must be able to demonstrate that the development regulations provide adequate protection of the natural and built environment, including cultural resources, before increasing the threshold levels. WAC 197-11-800(c) sets forth the requirements for raising the exempt levels.

I hope this information has been helpful. Please let me know if you would like additional information or proposed ordinance language.

Respectfully,

Darcey Eilers

III. TITLE 5, HEALTH, SANITATION AND ENVIRONMENT

1. Revise language to remove references to Washington Administrative Code 173; adopt additional WACS by reference; make additional changes.

5-1-1: GENERAL REQUIREMENTS:

A. Authority ~~(Washington Administrative Code 173-806-010)~~:

1. The city adopts this chapter under the state environmental policy act (SEPA), Revised Code of Washington 43.21C.120, and the SEPA rules, Washington administrative code 197-11-904.

2. This chapter contains the city's SEPA procedures and policies.

3. The SEPA rules, Washington administrative code chapter 197-11, must be used in conjunction with this chapter. (1988 Code § 16.04.010)

B. Purpose Of Section; Adoption By Reference ~~(Washington Administrative Code 173-806-020)~~:

This section contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Washington administrative code chapter 197-11 by reference:

WAC 197-11-040 Definitions

-050 Lead agency

-055 Timing of the SEPA process

-060 Content of environmental review

-070 Limitations on actions during SEPA process

-080 Incomplete or unavailable information

-090 Supporting documents

-100 Information required of applicants

(1988 Code § 16.04.020)

C. Additional Definitions ~~(Washington Administrative Code 173-806-030)~~: In addition to those definitions contained within Washington administrative code 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

DEPARTMENT: Any division, subdivision or organizational unit of the city established by ordinance, rule or order.

1 EARLY NOTICE: The city's response to an applicant stating whether it considers
2 issuance of a determination of significance likely for the applicant's proposal (mitigated
3 determination of nonsignificance [DNS] procedures).

4 ORDINANCE: The ordinance, resolution or other procedure used by the city to adopt
5 regulatory requirements.

6 SEPA RULES: Washington administrative code chapter 197-11 adopted by the
7 department of ecology. (1988 Code § 16.04.030)

8 D. Designation Of Responsible Official (~~Washington Administrative Code 173-806-040~~):

9 1. For those proposals for which the city is the lead agency, the responsible official shall
10 be the city administrator or such other person as designated in writing by the mayor.
11 (1988 Code § 16.04.040; amd. 2007 Code)

12 2. For all proposals for which the city is the lead agency, the responsible official shall
13 make the threshold determination, supervise scoping and preparation of any required
14 environmental impact statement (EIS) and perform any other functions assigned to the
15 "lead agency" or "responsible official" by those sections of the SEPA rules that were
16 adopted by reference ~~in Washington administrative code 173-806-020.~~

17 3. The city shall retain all documents required by the SEPA rules (Washington
18 administrative code chapter 197-11) and make them available in accordance with Revised
19 Code of Washington chapter 42.17. (1988 Code § 16.04.040)

20 E. Lead Agency Determination And Responsibilities (~~Washington Administrative Code 173-806-~~
21 ~~050~~):

22 1. The department within the city receiving an application for or initiating a proposal that
23 involves a nonexempt action shall determine the lead agency for that proposal under
24 Washington administrative code 197-11-050 and 197-11-922 through 197-11-940, unless
25 the lead agency has been previously determined or the department or agency is in the
26 process of determining the lead agency.

27 2. When the city is the lead agency for a proposal, the department receiving the
28 application shall determine the responsible official who shall supervise compliance with
29 the threshold determination requirements, and if an EIS is necessary, shall supervise
30 preparation of the EIS.

31 3. When the city is not the lead agency for a proposal, all departments of the city shall use
32 and consider, as appropriate, either the DNS or the final EIS of the lead agency in making
33 decisions on the proposal. No city department shall prepare or require preparation of a
34 DNS or EIS in addition to that prepared by the lead agency, unless required under

Washington administrative code 197-11-600. In some cases the city may conduct supplemental environmental review under Washington administrative code 197-11-600.

4. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of Washington administrative code 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination or the city must petition the department of ecology for a lead agency determination under Washington administrative code 197-11-946 within the fifteen (15) day time period.

5. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for proposal under Washington administrative code 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

6. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify ~~which~~ other agencies ~~have with~~ jurisdiction over the proposal. (That is: Which agencies require nonexempt licenses?) (1988 Code § 16.04.050)

F. Transfer Of Lead Agency Status To State Agency ~~(Washington Administrative Code 173-806-053)~~: For any proposal for a private project whether the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in Washington administrative code 197-11-936 shall be the lead agency and the city shall be the agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal. (1988 Code § 16.04.060)

G. Time Limits (Washington Administrative Code 197-11-310): The ~~following~~ time limits (expressed in calendar dates) contained in this section shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies~~:-~~. For the purpose of this section, the word "day" shall mean a day upon which the city's administrative offices are open for business. These time estimates shall not be construed to be mandatory. (1988 Code § 16.04.070; amd. 2007 Code)

1. Categorical Exemptions: The city shall identify whether an action is categorically exempt within seven (7) days of receiving a completed application.

2. Threshold Determinations:

1 a. The city should complete threshold determinations that can be based solely
2 upon review of the environmental checklist for the proposal within fifteen (15)
3 days of the date an applicant's adequate application and completed checklist are
4 submitted.

5 b. When the responsible official requires further information from the applicant or
6 consultation with other agencies with jurisdiction:

7 (1) The city should request such further information within fifteen (15)
8 days of receiving an adequate application and completed environmental
9 checklist;

10 (2) The city shall wait no longer than thirty (30) days for a consulted
11 agency to respond;

12 (3) The applicant shall have 180 days to submit additional information
13 requested before the permit application expires.

14 (43) The responsible official should complete the threshold determination
15 within fifteen (15) days of receiving the requested information from the
16 applicant or the consulted agency.

17 c. When the city must initiate further studies, including field investigations, to
18 obtain the information to make the threshold determination, the city should
19 complete the studies within thirty (30) days of receiving an adequate application
20 and a completed checklist.

21 d. The city shall complete threshold determinations on actions where the applicant
22 recommends in writing that an EIS be prepared, because of the probable
23 significant adverse environmental impact(s) described in the application, within
24 fifteen (15) days of receiving an adequate application and completed checklist.
25 (1988 Code § 16.04.070)

26 e. The city may extend the threshold determination to fifteen (15) days after
27 receipt of a changed or clarified proposal, environmental checklist, and/or permit
28 application.

29 H. Additional Timing Considerations ~~(Washington Administrative Code 173-806-058):~~

30 1. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the
31 city's staff recommendation to any appropriate advisory body, such as the planning
32 commission.

33 2. If the city's only action on a proposal is a decision on a building permit or other license
34 that requires detailed project plans and specifications, the applicant may request in

1 writing that the city conduct environmental review prior to submission of the detailed
2 plans and specifications. (1988 Code § 16.04.080)

4 **5-1-2: CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS:**

5 A. Purpose Of Section; Adoption By Reference ~~(Washington Administrative Code 173-806-065):~~

6 This section contains the rules for deciding whether a proposal has a probable significant,
7 adverse environmental impact requiring an environmental impact statement (EIS) to be prepared.
8 This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The
9 city adopts the following sections by reference, as supplemented in this ~~section~~chapter:

10 WAC 197-11-300 Purpose of this part

11 -305 Categorical exemptions

12 -310 Threshold determination required

13 -315 Environmental checklist

14 -330 Threshold determination process

15 -335 Additional information

16 -340 Determination of nonsignificance (DNS)

17 -350 Mitigated DNS

18 -360 Determination of significance (DS/initiation of scoping)

19 -390 Effect of threshold determination

20 WAC 197-11-800 Categorical exemptions

21 -880 Emergencies

22 -890 Petitioning DOE to change exemptions

23 (1988 Code § 16.04.090)

24 B. Flexible Thresholds For Categorical Exemptions ~~(Washington Administrative Code 173-806-~~
25 ~~070):~~ The city establishes the following exempt levels for minor new construction under
26 Washington administrative code 197-11-800~~(1)(b)~~ based on local conditions:

27 1. For residential dwelling units in Washington administrative code 197-11-800(1)(b)(i):
28 up to twenty (20) dwelling units;

2. For agricultural structures in Washington administrative code 197-11-800(1)(b)(ii): up to thirty thousand (30,000) square feet;

3. For office, school, commercial, recreational, service or storage buildings in Washington administrative code 197-11-800(1)(b)(iii): up to twelve thousand (12,000) square feet and up to forty (40) parking spaces;

4. For parking lots in Washington administrative code 197-11-800(1)(b)(iv): up to forty (40) parking spaces;

5. For landfills and excavations in Washington administrative code 197-11-800(1)(b)(v): up to five hundred (500) cubic yards. (1988 Code § 16.04.100)

C. Exemption Use ~~(Washington Administrative Code 173-806-080):~~

1. ~~Each department within the city that~~ When the city receives an application for a license or, in the case of governmental proposals, ~~the a~~ department ~~initiating-initiates the a~~ proposal, the responsible official shall determine if the application and/or proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

2. In determining whether or not a proposal is exempt, the ~~department-responsible official~~ shall make certain the proposal is properly defined and shall identify the governmental licenses required (Washington administrative code 197-11-060). If a proposal includes exempt and nonexempt action, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

3. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

a. The city shall not give authorization for:

(1) Any nonexempt action,

(2) Any action that would have an adverse environmental impact,

(3) Any action that would limit the choice of alternatives;

b. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

1 c. A department may withhold approval of exempt actions that would lead to
2 substantial financial expenditures by a private applicant when the expenditures
3 would serve no purpose if nonexempt action(s) were not approved. (1988 Code §
4 16.04.110)

5 D. Environmental Checklist (~~Washington Administrative Code 173-806-090~~): A completed
6 environmental checklist in the form provided in Washington administrative code 197-11-960
7 shall be filed at the same time as an application for a permit, license, certificate, or other
8 approval not specifically exempted in this chapter; except, a checklist is not needed if the city
9 and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA
10 compliance has been initiated by another agency. The city shall use the environmental checklist
11 to determine the lead agency and, if the city is the lead agency, for determining the responsible
12 official and for making the threshold determination. (1988 Code § 16.04.120)

13 E. Mitigated DNS (~~Washington Administrative Code 173-806-100~~):

14 1. As provided in this section and Washington administrative code 197-11-350, the
15 responsible official may issue a DNS based on conditions attached to the proposal by the
16 responsible official or on changes to, or clarification of, the proposal made by the
17 applicant.

18 2. An applicant may request in writing early notice of whether a DS is likely under
19 Washington administrative code 197-11-350. The request must:

20 a. Follow submission of a permit application and environmental checklist for a
21 nonexempt proposal for which the department is lead agency; and

22 b. Precede the city's actual threshold determination for the proposal.

23 3. The responsible official should respond to the request for early notice within seven (7)
24 working days. The response shall:

25 a. Be written;

26 b. State whether the city currently considers issuance of a DS likely and, if so,
27 indicate the general or specific area(s) of concern that is/are leading the city to
28 consider a DS; and

29 c. State that the applicant may change or clarify the proposal to mitigate the
30 indicated impacts, revising the environmental checklist and/or permit application
31 as necessary to reflect the changes or clarification.

32 4. As much as possible, the city should assist the applicant with identification of impacts
33 to the extent necessary to formulate mitigation measures.

1 5. When an applicant submits a changed or clarified proposal, along with a revised or
2 amended environmental checklist, the city shall base its threshold determination on the
3 changed or clarified proposal and should make the determination within fifteen (15) days
4 of receiving the changed or clarified proposal:

5 a. If the city indicated specific mitigation measures in its response to the request
6 for early notice, and the applicant changed or clarified the proposal to include
7 those specific mitigation measures, the city shall issue and circulate a DNS under
8 Washington administrative code 197-11-340(2).

9 b. If the city indicated areas of concern, but did not indicate specific mitigation
10 measures that would allow it to issue a DNS, the city shall make the threshold
11 determination, issuing a DNS or DS as appropriate.

12 c. The applicant's proposed mitigation measures (clarifications, changes or
13 conditions) must be in writing and must be specific. For example, proposals to
14 "control noise" or "prevent storm water runoff" are inadequate, whereas proposals
15 to "muffle machinery to X decibel" or construct two hundred foot (200') storm
16 water retention pond at Y location are adequate.

17 d. Mitigation measures which justify issuance of a mitigated DNS may be
18 incorporated in the DNS by reference to agency staff reports, studies or other
19 documents.

20 6. The mitigated DNS issued under Washington administrative code 197-11-340(2)
21 requires a fifteen (15) day comment period and public notice.

22 7. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of
23 approval of the permit decision and may be enforced in the same manner as any term or
24 condition of the permit, or enforced in any manner specifically prescribed by the city.

25 8. If the city's tentative decision on a permit or approval does not include mitigation
26 measures that were incorporated in a mitigated DNS for the proposal, the city should
27 evaluate the threshold determination to assure consistency with Washington
28 administrative code 197-11-340(3)(a) (withdrawal of DNS).

29 9. The city's written response under subsection E2 of this section shall not be construed as
30 a determination of significance. In addition, preliminary discussion of clarifications or
31 changes to a proposal, as opposed to a written request for early notice, shall not bind the
32 city to consider the clarifications or changes in its threshold determination. (1988 Code §
33 16.04.130)

34 **5-1-3: ENVIRONMENTAL IMPACT STATEMENT (EIS):**

1 A. Purpose Of Section; Adoption By Reference (~~Washington Administrative Code 173-806-110~~):
2 This section contains the rules for preparing environmental impact statements. The city adopts
3 the following sections by reference, as supplemented by this section:

4 WAC 197-11-400 Purpose of EIS

5 -402 General requirements

6 -405 EIS types

7 -406 EIS timing

8 -408 Scoping

9 -410 Expanded scoping (optional)

10 -420 EIS preparation

11 -425 Style and size

12 -430 Format

13 -435 Cover letter or memo

14 -440 EIS Contents

15 -442 Contents of EIS on nonproject proposals

16 -443 EIS contents when prior nonproject EIS

17 -444 Elements of the environment

18 -448 Relationship of EIS to other considerations

19 -450 Cost-benefit analysis

20 -455 Issuance of DEIS

21 -460 Issuance of FEIS

22 (1988 Code § 16.04.140; amd. 2007 Code)

23 B. EIS Preparation; Additional Considerations (~~Washington Administrative Code 173-806-120~~):

24 1. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental
25 EISs (SEIS) is the responsibility of the city administrator. Before the city issues an EIS,
26 the responsible official shall be satisfied that it complies with this chapter and
27 Washington administrative code chapter 197-11.

2. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

3. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (1988 Code § 16.04.150)

5-1-4: COMMENTING:

A. Purpose Of Section; Adoption By Reference ~~(Washington Administrative Code 173-806-128)~~: This section contains rules for consulting, commenting and responding on all environmental documents under SEPA, including the rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this ~~section~~chapter:

WAC 197-11-500 Purpose of this part
-502 Inviting comment
-504 Availability and cost of environmental documents
-508 SEPA register
-535 Public hearings and meetings
-545 Effect of no comment
-550 Specificity of comments
-560 FEIS response to comments
-570 Consulted agency costs to assist lead agency

(1988 Code § 16.04.160)

B. Public Notice ~~(Washington Administrative Code 173-806-130)~~: Whenever the city issues a DNS under Washington administrative code 197-11-340(2) or a DS under Washington administrative code 197-11-360(3), the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If ~~no~~ public notice is required for the permit or approval, the city shall give notice of the DNS or DS by:

a. Posting the property, for site specific proposals;

b. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.

3. Whenever the city issues a DS under Washington administrative code 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in Washington administrative code 197-11-620, notice of the availability of those documents shall be given by:

a. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and

b. Posting the property, for site specific proposals;

c. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.

4. Whenever possible, the city shall integrate the public notice required under this subsection with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

5. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (1988 Code § 16.04.170)

6. Documents which are required to be sent to the department of ecology under the chapter 197-11 WAC will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet compliance with this section.

C. Consulted Agency Responsibilities ~~(Washington Administrative Code 173-806-140):~~

1. The city administrator shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

2. The city administrator shall be responsible for the city's compliance with Washington administrative code 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (1988 Code § 16.04.180)

1 **5-1-5: EXISTING ENVIRONMENTAL DOCUMENT USE:**

2 A. Purpose Of Section; Adoption By Reference (~~Washington Administrative Code 173-806-150~~):

3 This section contains rules for using and supplementing existing environmental documents
4 prepared under SEPA or national environmental policy act (NEPA) for the city's own
5 environmental compliance. The city adopts the following sections by reference:

6 WAC 197-11-600 When to use existing environmental documents

7 -610 Use of NEPA documents

8 -620 Supplemental environmental impact statement--procedures

9 -625 Addenda--procedures

10 -630 Adoption--procedures

11 -635 Incorporation by reference--procedures

12 -640 Combining documents

13 (1988 Code § 16.04.190)

14 **5-1-6: SEPA AND AGENCY DECISIONS:**

15 A. Purpose Of Section; Adoption By Reference (~~Washington Administrative Code 173-806-155~~):

16 This section contains rules (and policies) for SEPA's substantive authority, such as decisions to
17 mitigate or reject proposals as a result of SEPA. This subsection also contains procedures for
18 appealing SEPA determinations to agencies or the courts. The city adopts the following sections
19 by reference:

20 WAC 197-11-650 Purpose of this part

21 -655 Implementation

22 -660 Substantive authority and mitigation

23 -680 Appeals

24 (1988 Code § 16.04.200)

25 B. Substantive Authority (~~Washington Administrative Code 173-806-160~~):

26 1. The policies and goals set forth in this chapter are supplementary to those in the
27 existing authorization of the city.

28 2. The city may attach conditions to a permit or approval for a proposal so long as:

1 a. Such conditions are necessary to mitigate specific probable adverse
2 environmental impacts identified in environmental documents prepared pursuant
3 to this chapter; and

4 b. Such conditions are in writing; and

5 c. The mitigation measures included in such conditions are reasonable and
6 capable of being accomplished; and

7 d. The city has considered whether other local, state or federal mitigation
8 measures applied to the proposal are sufficient to mitigate the identified impacts;
9 and

10 e. Such conditions are based on one or more policies in subsection B4 of this
11 section and cited in the license or other decision document.

12 3. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

13 a. A finding is made that approving the proposal would result in probable
14 significant adverse environmental impacts that are identified in an FEIS or final
15 SEIS prepared pursuant to this chapter; and

16 b. A finding is made that there are no reasonable mitigation measures capable of
17 being accomplished that are sufficient to mitigate the identified impact; and

18 c. The denial is based on one or more policies identified in subsection B4 of this
19 section and identified in writing in the decision document.

20 4. The city designates and adopts by reference the following policies as the basis for the
21 city exercise of authority pursuant to this subsection:

22 a. The city shall use all practicable means, consistent with other essential
23 considerations of state policy, to improve and coordinate plans, functions,
24 programs and resources to the end that the state and its citizens may:

25 (1) Fulfill the responsibilities of each generation as trustee of the
26 environment for succeeding generations;

27 (2) Assure for all people of Washington safe, healthful, productive, and
28 aesthetically and culturally pleasing surroundings;

29 (3) Attain the widest range of beneficial uses of the environment without
30 degradation, risk to health or safety, or other undesirable and unintended
31 consequences;

(4) Preserve important historic, cultural and natural aspects of our national heritage;

(5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

b. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. (1988 Code § 16.04.210)

C. Appeal To Local Legislative Body: No appeal to the local legislative body shall be allowed. (1988 Code § 16.04.220)

5-1-7: DEFINITIONS:

A. Purpose Of Section; Adoption By Reference (~~Washington Administrative Code 173-806-175~~): This section contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference, as supplemented by Washington administrative code ~~173-806-040~~^[u2]:

WAC 197-11-700 Definitions

-702 Act

-704 Action

-706 Addendum

-708 Adoption

-710 Affected tribe

-712 Affecting

-714 Agency

-716 Applicant

-718 Built environment

-720 Categorical exemption

1	721	Closed record appeal
2	-722	Consolidated appeal
3	-724	Consulted agency
4	-726	Cost-benefit analysis
5	-728	County/city
6	-730	Decision maker
7	-732	Department
8	-734	Determination of nonsignificance (DNS)
9	<u>-736</u>	<u>Determination of significance (DS)</u>
10	-738	EIS
11	-740	Environment
12	-742	Environmental checklist
13	-744	Environmental document
14	-746	Environmental review
15	-750	Expanded scoping
16	-752	Impacts
17	-754	Incorporation by reference
18	-756	Lands covered by water
19	-758	Lead agency
20	-760	License
21	-762	Local agency
22	-764	Major action
23	-766	Mitigated DNS
24	-768	Mitigation
25	-770	Natural environment

~~-772 NEPA~~

~~-774 Nonproject~~

~~-776 Phased review~~

~~-778 Preparation~~

~~-780 Private project~~

~~-782 Probable~~

~~-784 Proposal~~

~~-786 Reasonable alternative~~

~~-788 Responsible official~~

~~-790 SEPA~~

~~-792 Scope~~

~~-793 Scoping~~

~~-794 Significant~~

~~-796 State agency~~

~~-797 Threshold determination~~

~~-799 Underlying governmental action~~

(1988 Code § 16.04.230; amd. 2007 Code)

~~5-1-8: CATEGORICAL EXEMPTIONS:~~

~~A. Purpose Of Section; Adoption By Reference (Washington Administrative Code 173-806-180):
The city adopts by reference the following rules for categorical exemptions, as supplemented in
this chapter, including Washington administrative code 173-806-070 (flexible thresholds), 173-
806-080 (use of exemptions), and 173-806-190 (critical areas):~~

~~WAC 197-11-800—Categorical exemptions~~

~~-880—Emergencies~~

~~-890—Petitioning DOE to change exemptions~~

~~(1988 Code § 16.04.240; amd. 2007 Code)~~

1 **5-1-89: AGENCY COMPLIANCE:**

2 A. Purpose Of Section; Adoption By Reference (~~Washington Administrative Code 173-806-185~~):

3 This subsection contains rules for agency compliance with SEPA, including rules for charging
4 fees under the SEPA process, designating environmentally sensitive areas, listing agencies with
5 environmental expertise, selecting the lead agency, and applying these rules to current agency
6 activities. The city adopts the following sections by reference, as supplemented by Washington
7 administrative code 173-806-045 through 173-806-043 and this section:

8 WAC 197-11-900 Purpose of this part

9 -902 Agency SEPA policies

10 -916 Application to ongoing actions

11 -920 Agencies with environmental expertise

12 -922 Lead agency rules

13 -924 Determining the lead agency

14 -926 Lead agency for governmental proposals

15 -928 Lead agency for public and private proposals

16 -930 Lead agency for private projects with one agency with jurisdiction

17 -932 Lead agency for private projects requiring licenses from more than one
18 agency, when one of the agencies is a county/city

19 -934 Lead agency for private projects requiring licenses from a local agency,
20 not a county/city, and one or more state agencies

21 -936 Lead agency for private projects requiring licenses from more than one
22 state agency

23 -938 Lead agencies for specific proposals

24 -940 Transfer of lead agency status to a state agency

25 -942 Agreements of lead agency status

26 -944 Agreements on division of lead agency duties

27 -946 DOE resolution of lead agency disputes

28 -948 Assumption of lead agency status

(1988 Code § 16.04.250)

B. Fees ~~(Washington Administrative Code 173-806-200)~~: The city shall require the following fees for its activities in accordance with the provisions of this chapter: (1988 Code § 16.04.260)

1. Threshold Determination: For every environmental checklist, the city shall collect a fee of one hundred dollars (\$100.00) from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. (1988 Code § 16.04.260; amd. 2007 Code)

2. Environmental Impact Statement:

a. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

b. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some person or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.

c. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subdivision B2a or B2b of this section which remain after incurred costs are paid.

3. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

4. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Revised Code of Washington chapter 42.17. (1988 Code § 16.04.260)

~~C. Severability (Washington Administrative Code 173-806-220): If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (1988 Code § 16.04.270)~~^[u3]

1 **5-1-~~210~~: FORMS:**

2 A. Adoption By Reference (Washington Administrative Code 173-806-230): The city adopts the
3 following forms and sections by reference:

4 WAC 197-11-960 Environmental checklist

5 -965 Adoption notice

6 -970 Determination of nonsignificance (DNS)

7 -980 Determination of significance and scoping notice (DS)

8 -985 Notice of assumption of lead agency status

9 -990 Notice of action

10 (1988 Code § 16.04.280)

11 **5-1-10: SEVERABILITY**

12 A. If any provision of this chapter or its application to any person or circumstance is held invalid,
13 the remainder of this chapter, or the application of the provision to other persons or
14 circumstances, shall not be affected. (1988 Code § 16.04.270)

Report: AGY064P2
710-LBL BLS0020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 02 18 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

UBI Number : 603 434 691 001 0001

Legal Entity Name : CLARKE CONSTRUCTION LLC

Application ID : 2015 049 3601

Firm Name : CLARKE CONSTRUCTION LLC

Application Received Date: 02 18 2015

Location Phone/FAX: (360) 642-5060

(360) 875-6568

Fees: \$125.00

Email Address: NGOODIN@WILLAPABAY.ORG

Expiration Date: 02 29 2016

Location Address : 802 SPRUCE ST E

First Date of Business: 03 01 2015

ILWACO WA 98624 9182

Mail Addr: PO BOX 340
ILWACO WA 98624 0340

In City Limits: Y Number of employees at this location: 2

Product/Serv Desc: Wholesale, Retail ROAD BUILDING, SEWER LINES, DIRT MOVING, ROCK MOVING
NG

Operator Comments:

Previous Business License: N

Applying as Nonprofit Business: N

Account Status: Pending Approval

Zoning	N/A	2/22/15	Fire		Date
Building			Police		Date
Finance			Planning		Date
Comments:					

Report: AGY064P2
710-LBL BLSP020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 02 12 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor
Legal Entity Name: CLINT E CARTER

UBI Number : 602 390 415 001 0004
Application ID : 2015 042 3041
Application Received Date: 02 11 2015

Firm Name : CLINT E CARTER

Fees: \$125.00
Expiration Date: 02 29 2016

Location Phone/FAX: (360) 642-8667

Business Open Date: 05 01 2014

Email Address: IMPERIALSCHOOONER@REACHONE.COM

Location Address : 101 PACIFIC AVE S SPC 3
LONG BEACH WA 98631 4019

Mail Addr: PO BOX 855
ITWACO WA 98624 0855

In City Limits: Y Number of employees at this location: 2

Product/Serv Desc: Retail FISH AND CHIPS, BURGERS, SALADS, CHICKEN STRIPS

Operator Comments:

Previous Business License: Y

Square Footage: 0

Applying as Non Profit Business: N

Conducting Business From Residence: N

Interior/Exterior Modifications: Y

Haz/Flam Material: N Smoke Detect/Fire Sprinkler

Additional Business Activities: Utility

Retail/Wholesale Sales

Account Status: Pending Approval

Zoning	OT	SP	1/16/19	Fire		Date	
Building				Police		Date	
Finance				Planning		Date	
Comments:							

Report: AGY064P2
710-LBL BLS020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 01 15 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Profit Corporation
Legal Entity Name : SHAMROCK FOODS COMPANY
UBI Number : 603 269 266 001 0003
Application ID : 2015 013 3783
Application Received Date: 01 13 2015

Firm Name : SHAMROCK FOODS CO., OREGON DIVISION
Fees: \$125.00
Expiration Date: 01 31 2016

Location Phone/FAX: (602) 233-6400 (602) 605-3735
First Date of Business: 03 15 2015

Email Address: GEORGE_JACOB@SHAMROCKFOODS.COM

Location Address : 18332 NE SAN RAFAEL STREET
GRESHAM OR 97230

Mail Addr: 2540 N 29TH AVE
PHOENIX AZ 85009 1612

In City limits: Number of employees at this location: 1

Product/Serv Desc: Wholesale WHOLESALE DISTRIBUTION OF FOOD AND NON-FOOD RELATE
D ITEMS, CLEANING SUPPLIES AND FOOD TRUCK DELIVERY PER ORDER.

Operator Comments:

Previous Business License: N

Applying as Nonprofit Business: N

Account Status: Pending Approval

Zoning	<u>N/A</u>	<u>1/20/15</u>	Fire	_____	Date	_____
Building	_____	Date	Police	_____	Date	_____
Finance	_____	Date	Planning	_____	Date	_____
Comments:	_____					

Report: AGY064P2
710-LBL BLSD020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 01 21 2015
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LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: Sole Proprietor

Legal Entity Name : ROWLAND NELSON BLISS

Firm Name : BLISS CONSTRUCTION

Location Phone/FAX: (360) 642-4539 (360) 642-3733

Email Address: BLISS@LIGHTHOUSEPROPERTY.COM

Location Address 909 30TH ST
SEAVIEW WA 98644 2002

Mail Addr: PO BOX 1483
LONG BEACH WA 98631 1483

In City Limits: N Number of employees at this location: 1

Product/Serv Desc: Services BUILDING CONSTRUCTION

Operator Comments: REOPEN ACCOUNT

Previous Business License: Y

Applying as Nonprofit Business: N

General/Specialty Contractor # 600 320 232 Unable to verify Contractor license number in the Contractor database.
WA State professional/occupational license: CONTRACTOR

Account Status: Pending Approval

Zoning	N/A	40	Date	4/27/15	Fire	Date
Building			Date		Police	Date
Finance			Date		Planning	Date
Comments:						

Report: AGY064P2
710-LBL BLS020

State of Washington
Business Licensing Service
Agency Requirements Document (ARD)

Date: 01 27 2015
Page: 1

LONG BEACH GENERAL BUSINESS

New Application / Final

Business Structure: LLC

Legal Entity Name : S&S THAI FAMILY LLC

Firm Name : S&S THAI FAMILY LLC

Location Phone/FAX: (703) 835-1276 (000) 000-0000

Email Address: SRSOPAPORNBUCHARA@ROCKETMAIL.COM

Location Address : 509 PACIFIC AVE S
LONG BEACH WA 98631 3766

Mail Addr: 113 16TH ST NE
LONG BEACH WA 98631 3870

In City Limits: Y Number of employees at this location: 1

Product/Serv Desc: Services THAI CUISINE RESTAURANT

Operator Comments:

Previous Business License: N

Square Footage: 1,000

Applying as Non Profit Business: N

Conducting Business From Residence: N

Interior/Exterior Modifications: Y

Haz/Flam Material: Y Smoke Detect/Fire Sprklr, Compressed Gas, Discharge to Sewer

Account Status: Pending Approval

Zoning	OT CP	1/28/15	Fire		Date
Building		Date	Police		Date
Finance		Date	Planning		Date
Comments:					